

LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT AND  
STANDARDS OF JUDICIAL ADMINISTRATION

Adopted by the Judicial Council of California on October 15, 2004,  
effective October 15, 2004, November 1, 2004, and January 1, 2005  
and a correction to Rule 1430, effective January 1, 2001

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Effective October 15, 2004

**Rule 6.710. Information access disputes—writ petitions (Gov. Code, § 71675)**

**(a) [Applicability]** This rule applies to petitions filed under subdivision (b) of Government Code section 71675.

**(b) [Assignment of Court of Appeal justice to hear the petition]**

(1) The petition must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 201(f)(6)): “Writ petition filed under Government Code section 71675—Assignment of Court of Appeal justice required.”

(2) When the petition is filed, the clerk of the court must immediately request of the Judicial Assignments Unit of the Administrative Office of the Courts the assignment of a hearing judge from the panel established under subdivision (e).

(3) The judge assigned to hear the petition in the superior court must be a justice from a Court of Appeal for a district other than the district for that superior court.

**(c) [Superior court hearing]**

(1) The superior court must hear and decide the petition on an expedited basis and must give the petition priority over other matters to the extent permitted by law and the rules of court.

(2) The petition must be heard by a judge assigned by the Chief Justice from the panel of hearing judges established under subdivision (e).

**(d) [Appeal]** An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and the rules of court. The notice of appeal must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 201(f)(6)): “Notice of Appeal on Writ Petition Filed Under Government Code Section 71675—Expedited Processing Requested.”

**(e) [Panel of hearing judges]** The panel of judges who may hear the petitions in the superior court must consist of Court of Appeal justices selected by the Chief Justice as follows:

- (1) The panel must include at least one justice from each district of the Court of Appeal.
- (2) Each justice assigned to hear a petition under (c)(2) must have received training on hearing the petitions as specified by the Chief Justice.

*Rule 6.710 adopted effective October 15, 2004.*

**Effective November 1, 2004**

**Rule 6.31. Advisory committee membership and terms**

**(a) \*\*\***

**(b) [Terms]** The Chief Justice appoints advisory committee members for three-year terms unless another term is specified in these rules. Terms are staggered so that an approximately equal number of each committee's members changes annually. The Chief Justice also may appoint judicial officers who have served less than two years on the bench to one-year terms.

*(Subd (b) amended effective November 1, 2004.)*

**(c)–(g) \*\*\***

*Rule 6.31 amended effective November 1, 2004; adopted effective January 1, 1999; previously amended effective September 1, 2000, September 1, 2003, and January 1, 2004.*

**Effective January 1, 2005**

**Rule 4. Reporter's transcript**

**(a) Notice**

**(1)–(3) \*\*\***

- (4) A notice designating a reporter's transcript must state the date the notice of appeal was filed and specify the date of each proceeding to be included in the transcript, and may specify portions of designated proceedings that are not to be included.

(5)–(6) \*\*\*

*(Subd (a) amended effective January 1, 2005.)*

**(b)–(g)** \*\*\*

*Rule 4 amended effective January 1, 2005; repealed and adopted effective January 1, 2002.*

## **Rule 5. Clerk's transcript**

### **(a) Notice of designation**

(1)–(3) \*\*\*

- (4) A notice designating a clerk's transcript must state the date the notice of appeal was filed and identify each designated document by its title and filing date or, if the filing date is not available, the date it was signed. The notice may specify portions of designated documents that are not to be included in the transcript. For minute orders or instructions, it is sufficient to collectively designate all minute orders or all minute orders entered between specified dates, or all written instructions given, refused, or withdrawn.

(5) \*\*\*

*(Subd (a) amended effective January 1, 2005.)*

**(b)–(d)** \*\*\*

*Rule 5 amended effective January 1, 2005; repealed and adopted effective January 1, 2002; previously amended effective January 1, 2003.*

## **Rule 5.1. Appendixes instead of clerk's transcript**

### **(a) Notice of election**

- (1) Within 10 days after the notice of appeal is filed, any party electing to proceed by an appendix under this rule instead of by clerk's transcript

under rule 5 must serve and file a notice of election in superior court. The notice must state the date the notice of appeal was filed. This rule then governs unless the superior court orders otherwise on a motion served and filed within 10 days after the notice of election is served.

(2)–(4) \*\*\*

*(Subd (a) amended effective January 1, 2005.)*

(b) \*\*\*

**(c) Exhibit held by other party**

If a party preparing an appendix wants it to contain a copy of an exhibit in the possession of another party:

- (1) The party must first ask the party possessing the exhibit to provide a copy or lend it for copying. All parties should reasonably cooperate with such requests.
- (2) If the attempt under (1) is unsuccessful, the party may serve and file in the reviewing court a notice specifying the exhibit's trial court designation and requesting the party possessing the exhibit to deliver it to the requesting party or, if the possessing party prefers, to the reviewing court. The possessing party must comply with the request within 10 days after the notice was served.
- (3) If the party possessing the exhibit sends it to the requesting party, that party must copy and return it to the possessing party within 10 days after receiving it.
- (4) If the party possessing the exhibit sends it to the reviewing court, that party must:
  - (A) accompany the exhibit with a copy of the notice served by the requesting party, and
  - (B) immediately notify the requesting party that it has sent the exhibit to the reviewing court.
- (5) On request, the reviewing court may return an exhibit to the party that sent it. When the remittitur issues, the reviewing court must return all exhibits to the party that sent them.

*(Subd (c) adopted effective January 1, 2005.)*

**~~(e)~~(d)** \*\*\*

*(Subd (d) relettered effective January 1, 2005; adopted as subd (c) effective January 1, 2002.)*

**~~(d)~~(e)** \*\*\*

*(Subd (e) relettered effective January 1, 2005; adopted as subd (d) effective January 1, 2002.)*

**~~(e)~~(f)** \*\*\*

*(Subd (f) relettered effective January 1, 2005; adopted as subd (e) effective January 1, 2002.)*

**~~(f)~~(g)** \*\*\*

*(Subd (g) relettered effective January 1, 2005; adopted as subd (f) effective January 1, 2002.)*

*Rule 5.1 amended effective January 1, 2005; repealed and adopted effective January 1, 2002.*

## **Rule 31. Normal record**

**(a)** \*\*\*

### **(b) Clerk's transcript**

The clerk's transcript must contain:

- (1) the accusatory pleading and any amendment;
- (2) any demurrer or other plea;
- (3) all court minutes;
- (4) all instructions submitted in writing, each one indicating the party requesting it;
- (5) any written communication between the court and the jury or any individual juror;
- (6) any verdict;



- (7) any written opinion of the court;
- (8) the judgment or order appealed from and any abstract of judgment or commitment;
- (9) any motion for new trial, with supporting and opposing memoranda and attachments;
- (10) the notice of appeal and any certificate of probable cause filed under rule 30(b);
- (11) any transcript of a sound or sound-and-video recording furnished to the jury or tendered to the court under rule ~~203.5~~ 243.9; and
- (12) any application for additional record and any order on the application;
- (13) If the appellant is the defendant, the clerk's transcript must also contain:
  - (A) any written defense motion denied in whole or in part, with supporting and opposing memoranda and attachments;
  - (B) if related to a motion under (A), any search warrant and return and the reporter's transcript of any preliminary examination or grand jury hearing;
  - (C) any certified record of a court or the Department of Corrections admitted in evidence to prove a prior conviction or prison term; and
  - (D) the probation officer's report.

*(Subd (b) amended effective January 1, 2005.)*

**(c)–(g)      \*\*\***

*Rule 31 amended effective January 1, 2005; repealed and adopted effective January 1, 2004.*

## **Rule 37.2. Preparing, sending, augmenting, and correcting the record**

**(a)–(e)      \*\*\***

### **(f) Cost of record on appeal**

In an appeal following an intercounty transfer order the court that made the order being appealed must pay all allowable costs of preparing the clerk's and reporter's transcripts if the parent or child is indigent.

*(Subd. (f) adopted effective January 1, 2005.)*

*Rule 37.2 adopted effective January 1, 2005.*

**Rule 38.2. Notice of intent to file writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights**

**(a) Application**

Rules 38.2 and 38.3 govern writ petitions to review placement orders following termination of parental rights entered on or after January 1, 2005. "Posttermination placement order" as used in this rule and rule 38.3 refers to orders following termination of parental rights. Rule 56 does not apply to petitions governed by these rules.

**(b) Purpose**

The purpose of this rule is to facilitate and implement Welfare and Institutions Code section 366.28. Delays caused by appeals from court orders designating the specific placement of a dependent child after parental rights have been terminated may cause a substantial detriment to the child.

**(c) Who may file**

The petitioner's trial counsel—or, if the petitioner was not represented by counsel at the hearing at which the posttermination placement order was issued, the petitioner—is responsible for filing any notice of intent and writ petition under rules 38.2 and 38.3. Trial counsel is encouraged to seek assistance from, or consult with, attorneys experienced in writ procedure.

**(d) Extensions of time**

The superior court may not extend any time period prescribed by rules 38.2–38.3. The reviewing court may extend any time period, but must require an exceptional showing of good cause.

**(e) Notice of intent**

- (1) A party seeking writ review under rules 38.2 and 38.3 must file a notice of intent to file a writ petition and a request for the record.
- (2) The notice must include all known dates of the hearing that resulted in the order under review.
- (3) The notice must be signed by the party intending to file the petition or, if filed on behalf of the child, by the attorney of record for the child. The reviewing court may waive this requirement for good cause on the basis of a declaration by the attorney of record explaining why the party could not sign the notice.
- (4) The notice must be served and filed within seven days after the date of the posttermination placement order, or if the order was made by a referee not acting as a temporary judge, within seven days after the referee's order becomes final under rule 1417(c). The date of the posttermination placement order is the date on which the court states the order on the record orally or in writing, whichever first occurs.
- (5) If the party was notified of the posttermination placement order only by mail, the notice of intent must be filed within 12 days after the date that the clerk mailed the notification.

**(f) Sending the notice of intent**

- (1) When the notice of intent is filed, the superior court clerk must immediately mail a copy of the notice to:
  - (A) each counsel of record;
  - (B) each relevant party, including the child, the present custodian of the dependent child, any legal guardian, and any person who has been declared a de facto parent and given standing to participate in the juvenile court proceedings;
  - (C) the probation officer or social worker;
  - (D) any Court Appointed Special Advocate volunteer; and
  - (E) the tribe of an Indian child.
- (2) The clerk must promptly send a copy of the notice and a proof of service list to the reviewing court, by first-class mail or facsimile. If the party

was notified of the posttermination placement order only by mail, the clerk must include the date that the notification was mailed.

**(g) Preparing the record**

When the notice of intent is filed, the superior court clerk must:

- (1) immediately notify the reporter by telephone and in writing to prepare a reporter's transcript of the oral proceedings at the hearing that resulted in the order under review and to deliver the transcript to the clerk within 12 days after the notice of intent is filed; and
- (2) within 20 days after the notice of intent is filed, prepare a clerk's transcript that includes the notice of intent, proof of service, and all items listed in rule 37.1(a).

**(h) Sending the record**

When the transcripts are certified as correct, the superior court clerk must immediately send:

- (1) the original transcripts to the reviewing court by the most expeditious method, noting the sending date on each original, and
- (2) one copy of each transcript to each counsel of record and any unrepresented party and unrepresented custodian of the dependent child by any means as fast as United States Postal Service express mail.

(i) Reviewing court clerk's duties

- (1) The reviewing court clerk must promptly lodge the notice of intent. When the notice is lodged, the reviewing court has jurisdiction over the writ proceedings.
- (2) When the record is filed in the reviewing court, that court's clerk must immediately notify the parties, stating the date on which the 10-day period for filing the writ petition under rule 38.3(c)(1) will expire.

*Rule 38.2 adopted effective January 1, 2005.*

**Rule 38.3. Writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights**

**(a) Petition**

- (1) The petition must include:
  - (A) the identities of the parties;
  - (B) the date on which the superior court made the posttermination placement order;
  - (C) a summary of the grounds of the petition; and
  - (D) the relief requested.
- (2) The petition must be liberally construed.
- (3) The petition must be accompanied by points and authorities.

**(b) Contents of points and authorities**

- (1) The points and authorities must provide a summary of the significant facts, limited to matters in the record.
- (2) The points and authorities must state each point under a separate heading or subheading summarizing the point and support each point by argument and citation of authority.
- (3) The points and authorities must support any reference to a matter in the record by a citation to the record. The points and authorities should explain the significance of any cited portion of the record and note any disputed aspects of the record.

**(c) Time to file petition and response**

- (1) The petition must be served and filed within 10 days after the record is filed in the reviewing court.
- (2) Any response must be served and filed:
  - (A) within 10 days—or, if the petition was served by mail, within 15 days—after the petition is filed, or

(B) within 10 days after a respondent receives a request from the reviewing court for a response, unless the court specifies a shorter time.

**(d) Order to show cause or alternative writ**

If the court intends to determine the petition on the merits, it must issue an order to show cause or alternative writ.

**(e) Augmenting or correcting the record in the reviewing court**

- (1) Except as provided in (2) and (3), rule 12 governs augmentation or correction of the record.
- (2) The petitioner must serve and file any request for augmentation or correction within 5 days—or, if the record exceeds 600 pages, within 10 days—after receiving the record. A respondent must serve and file any such request within 5 days after the petition is filed.
- (3) An order augmenting or correcting the record may grant no more than 15 days for compliance. The clerk and the reporter must give the order the highest priority.
- (4) The clerk must certify and send any supplemental transcripts as required by rule 38.2(h).

**(f) Stay**

A request by petitioner for a stay of the posttermination placement order will not be granted unless the writ petition shows that implementation of the superior court's placement order pending the reviewing court's decision is likely to cause detriment to the child if the order is ultimately reversed.

**(g) Oral argument**

- (1) The reviewing court must hear oral argument within 30 days after the response is filed or due to be filed, unless the court extends the time for good cause or counsel waive argument.
- (2) If argument is waived, the cause is deemed submitted not later than 30 days after the response is filed or due to be filed.

**(h) Decision**

- (1) Absent exceptional circumstances, the reviewing court must review the petition and decide it on the merits by written opinion.
- (2) The reviewing court clerk must promptly notify the parties of any decision and must promptly send a certified copy of any writ or order to the court named as respondent.
- (3) If the writ or order stays or requires action within seven days—or in any other urgent situation—the reviewing court clerk must make a reasonable effort to notify the clerk of the respondent court by telephone. The clerk of the respondent court must then notify the judge or officer most directly concerned.
- (4) The reviewing court clerk need not give telephonic notice of the summary denial of a writ, unless a stay previously issued and will be dissolved.

**(i) Right to appeal other orders**

This section does not affect the right of a parent, a legal guardian, or the child to appeal any order that is otherwise appealable and that is issued at a hearing held under Welfare and Institutions Code section 366.26.

*Rule 38.3 adopted effective January 1, 2005.*

### **Chapter 3. Trial of Small Claims Cases on Appeal From Municipal and Justice Courts**

**Rule 151. Scope**

This chapter applies to appeals ~~to the superior court from municipal and justice courts~~ in small claims cases.

*Rule 151 amended effective January 1, 2005; adopted effective July 1, 1964; previously amended effective January 1, 1977.*

**Rule 152. Filing notice of appeal**

- (a) **[Small claims case]** A notice of appeal ~~shall~~ must be signed by the appellant or by appellant's attorney and ~~shall be~~ is sufficient if it states in substance that the appellant appeals from a specified judgment or, in the case of a defaulting

defendant, from the denial of a motion to vacate the judgment. A notice of appeal ~~shall~~ must be liberally construed in favor of its sufficiency.

*(Subd (a) amended effective January 1, 2005; adopted effective July 1, 1964; previously amended effective July 1, 1973, January 1, 1977, January 1, 1979, January 1, 1984, and July 1, 1991.)*

- (b) [Notification by clerk]** When a notice of appeal is filed ~~pursuant to subdivision (a) of this rule~~, the clerk of the ~~trial~~ small claims court ~~shall~~ must promptly mail a notification of the filing of the notice to each other party at the party's last known address. The notification ~~shall~~ must state the number and title of the action or proceeding and the date the notice of appeal was filed. ~~In the event of the death of a party prior to the court's giving notice~~ If a party dies before the court gives notice, the mailing is a sufficient performance of the clerk's duty. The failure of the clerk to give notice of judgment or notification of the filing of notice of appeal ~~shall~~ does not extend the time for filing notice of appeal or affect the validity of the appeal.

*(Subd (b) amended effective January 1, 2005; adopted effective July 1, 1964; previously amended and relettered effective January 1, 1977; amended effective July 1, 1991.)*

- (c) [Premature notice]** A notice of appeal filed ~~prior to~~ before entry of the judgment, but after its rendition, ~~shall be~~ is valid and ~~shall be~~ is deemed to have been filed immediately after entry. A notice of appeal filed ~~prior to~~ before rendition of the judgment, but after the judge has announced an intended ruling, may, in the discretion of the reviewing court for good cause, be treated as filed immediately after entry of the judgment.

*(Subd (c) amended effective January 1, 2005; adopted as subd (d) effective July 1, 1964; relettered effective January 1, 1977; previously amended effective July 1, 1991.)*

*Rule 152 amended effective January 1, 2005; adopted effective July 1, 1964; previously amended effective July 1, 1973, January 1, 1977, January 1, 1979, January 1, 1984, and July 1, 1991.*



### **Rule 153. Record on appeal**

Upon the filing of the notice of appeal and the payment of any fees required by law, the clerk of the ~~trial small claims~~ court ~~shall~~ must within five days transmit the file and all related papers, including the notice of appeal, to the clerk of the ~~superior~~ court assigned to hear the appeal ~~a certified copy of the entries in the register of actions or docket relating to the action, together with the pleadings, exhibits, notices, motions, other papers and documents filed in the action, and notice of appeal.~~

*Rule 153 amended effective January 1, 2005; adopted effective July 1, 1964; previously amended effective July 1, 1972, July 1, 1973, and January 1, 1977.*

### **Rule 154. Continuances**

~~Continuances of the trial in the superior court may be granted for good cause but, except in cases of extreme hardship, shall not be granted, on application of the appellant alone, for a period of time which in the aggregate exceeds 30 days. For good cause, the court assigned to hear the appeal may continue the trial. A request for a continuance may be presented by one party or by stipulation. The court may grant a continuance not to exceed 30 days, but in a case of extreme hardship the court may grant a continuance exceeding 30 days. If after trial anew or new trial a new trial is ordered, there shall be a similar limitation on continuances.~~

*Rule 154 amended effective January 1, 2005; adopted effective July 1, 1964; previously amended effective January 1, 1977 and, July 1, 1991.*

### **Rule 155. Abandonment, dismissal, and judgment for failure to bring to trial**

- (a) **[Before appeal filed]** ~~At any time before the filing of the appeal in the superior court~~ file has been transmitted to the court assigned to hear the appeal, the appellant may file in the office of the clerk of the ~~trial small claims~~ court a written abandonment of the appeal; or the parties may file in that office a stipulation for abandonment. The filing of either document ~~shall~~ operates to dismiss the appeal and to ~~restore the jurisdiction of~~ return the case to the trial small claims court.

*(Subd (a) amended effective January 1, 2005; previously amended effective July 1, 1972, and January 1, 1977.)*

- (b) **[After record filed]** ~~After the filing of an appeal in the superior court it~~ file has been transmitted to the court assigned to hear the appeal, the appeal may

be dismissed by that court on written request of the appellant or stipulation of the parties filed with the clerk of the ~~superior clerk~~ court assigned to hear the appeal.

*(Subd (b) amended effective January 1, 2005.)*

- (c) **Dismissal or judgment by court]** The appeal ~~shall~~ must be dismissed if not brought to trial within one year from the date of filing the appeal ~~in the superior court~~. If ~~after trial anew~~ a new trial is ordered, the appeal in the case ~~shall~~ must be dismissed if the case is not brought to trial within one year from the date of entry of the order for the new trial. Notwithstanding the foregoing provisions, dismissal ~~shall~~ must not be ordered or judgment entered if there was in effect a written stipulation extending the time for the trial or if the appellant shows that he or she exercised reasonable diligence to bring the case to trial. In any event the appeal ~~shall~~ must be dismissed; if the case is not brought to trial within three years after either the appeal is filed ~~in the superior court~~ or the most recent new trial order is entered in the ~~superior~~ court assigned to hear the appeal.

*(Subd (c) amended effective January 1, 2005; previously amended effective January 1, 1977, and July 1, 1991.)*

- (d) **[Notification by clerk]** When an appellant files an abandonment of appeal, the clerk of the court in which the abandonment is filed ~~shall~~ must immediately notify the adverse party or parties of the filing. The clerk of the ~~superior court~~ shall court assigned to hear the appeal must immediately notify the parties of any order of dismissal or of any judgment for defendant made by the court pursuant to subdivision under (c) made by that court.

*(Subd (d) amended effective January 1, 2005.)*

- (e) **[Return of papers]** Upon dismissal ~~by the superior court~~ of an appeal ~~from a municipal or a justice court~~, the clerk of the ~~superior~~ court assigned to hear the appeal ~~shall~~ must transmit to the ~~trial~~ small claims court a copy of the order of dismissal and all original papers and exhibits transmitted to the ~~superior~~ court assigned to hear the appeal. ~~Thereafter the trial small claims court shall thereafter have the same jurisdiction~~ will proceed with the case as if no appeal had been taken.

*(Subd (e) amended effective January 1, 2005.)*

- (f) **[Approval of compromise]** Whenever the guardian of a minor or of an insane or incompetent person seeks approval of a proposed compromise of a case on appeal ~~required to be tried anew or~~ in which a new trial has been ordered, the

~~superior court assigned to hear the appeal~~ may hear and determine whether the proposed compromise is for the best interest of the ward.

*(Subd (f) amended effective January 1, 2005.)*

*Rule 155 amended effective January 1, 2005; adopted as rule 157 effective July 1, 1964; previously amended effective July 1, 1972, and January 1, 1972; amended and renumbered effective July 1, 1991.*

## **Rule 156. Definitions**

In this chapter, unless the context or subject matter otherwise requires:

~~(a) The past, present, and future tenses each include the other; the masculine, feminine, and neuter genders each include the other; and the singular and plural numbers each include the other.~~

*(Subd (a) repealed effective January 1, 2005; adopted effective July 1, 1964.)*

~~(b) “Shall” is mandatory and “may” is permissive.~~

*(Subd (b) repealed effective January 1, 2005; adopted effective July 1, 1964.)*

~~(e)(1) “Trial Small claims court” means the municipal or justice trial court from which the appeal is taken.~~

*(Subd (c) amended and numbered effective January 1, 2005; adopted as subd (c) effective July 1, 1964.)*

~~(d)(2) “Appellant” means the party appealing; “plaintiff” and “defendant” refer to the parties as they were designated in the trial small claims court.~~

*(Subd (d) amended and numbered effective January 1, 2005; adopted as subd (d) effective July 1, 1964.)*

~~(e) Designation of a party by any terminology includes such party’s attorney of record. Whenever under this chapter notice is required to be given to or served on a party, the notice or service shall be made upon the attorney of record if the party has one.~~

*(Subd (e) repealed effective January 1, 2005; adopted effective July 1, 1964; previously amended effective July 1, 1991.)*

~~(f) “Clerk” with respect to a justice court means the judge if there is no clerk.~~

*(Subd (f) repealed effective January 1, 2005; adopted effective July 1, 1964; previously amended effective July 1, 1991.)*

~~(g) Rule and subdivision headings do not in any manner affect the scope, meaning, or intent of the provisions of these rules.~~

*(Subd (g) repealed effective January 1, 2005; adopted effective July 1, 1964.)*

*Rule 156 amended effective January 1, 2005; adopted as rule 158 effective July 1, 1964; previously amended and renumbered effective July 1, 1991.*

## **Rule 201.2. Judicial Council pleading forms**

(a) **[Pleading forms]** The forms listed under the “Pleading” heading on the list of Judicial Council forms in division III of the Appendix to the California Rules of Court (forms 982.1(1)–982.1(95S)) are approved by the Judicial Council as required by Code of Civil Procedure section 425.12.

*(Subd (a) amended effective January 1, 2005; previously amended effective July 1, 1999.)*

**(b)–(c)      \*\*\***

*Rule 201.2 amended effective January 1, 2005; adopted as rule 982.1 effective January 1, 1982; previously amended effective July 1, 1995, July 1, 1996, January 1, 1997, and July 1, 1999; amended and renumbered effective January 1, 2003.*

## **Rule 201.6. Drop box for filing documents**

(a) **[Use of drop box]** Whenever a clerk’s office filing counter is closed at any time between 8:30 a.m. and 4:00 p.m. on a court day, the court must provide a drop box for depositing documents to be filed with the clerk. A court may provide a drop box during other times.

(b) **[Documents deemed filed on day of deposit]** Any document deposited in a court’s drop box up to and including 4:00 p.m. on a court day is deemed to have been deposited for filing on that day. A court may provide for same-day filing of a document deposited in its drop box after 4:00 p.m. on a court day. If so, the court must give notice of the deadline for same-day filing of a document deposited in its drop box.

(c) **[Documents deemed filed on next court day]** Any document deposited in a court’s drop box is deemed to have been deposited for filing on the next court day if:

(1) it is deposited on a court day after 4:00 p.m. or after the deadline for same-day filing if a court provides for a later time, or

(2) it is deposited on a judicial holiday.

**(d) [Date and time documents deposited]** A court must have a means of determining whether a document was deposited in the drop box by 4:00 p.m., or after the deadline for same-day filing if a court provides for a later time, on a court day.

*Rule 201.6 adopted effective January 1, 2005.*

**Advisory Committee Comment (2005)**

The notice required by rule 201.6(b) may be provided by the same means a court provides notice of its clerk's office hours. The means of providing notice may include the following: information on the court's Web site, a local rule provision, a notice in a legal newspaper, a sign in the clerk's office, or a sign near the drop box.

**Rule 388. Default judgments**

**(a) [Documents to be submitted]** A party seeking a default judgment on declarations ~~shall~~ must use mandatory Judicial Council form 982(a)(6), and ~~shall~~. In an unlawful detainer case, a party may, in addition, use optional Judicial Council form UD-116 when seeking a court judgment based on declarations. The following must be included in the documents filed with the clerk the following:

- (1) Except in unlawful detainer cases, a brief summary of the case identifying the parties and the nature of plaintiff's claim;
- (2) Declarations or other admissible evidence in support of the judgment requested;
- (3) Interest computations as necessary;
- (4) A memorandum of costs and disbursements;
- (5) A declaration of nonmilitary status for each defendant against whom judgment is sought;
- (6) A proposed form of judgment;

- (7) A dismissal of all parties against whom judgment is not sought or an application for separate judgment against specified parties under Code of Civil Procedure section 579, supported by a showing of grounds for each judgment;
- (8) Exhibits as necessary; and
- (9) A request for attorney fees if allowed by statute or by the agreement of the parties.

*(Subd (a) amended effective January 1, 2005.)*

**(b) \*\*\***

*Rule 388 amended effective January 1, 2005; adopted effective July 1, 2000.*

### **Rule 858. Scheduling accommodations for jurors**

- (a) [Accommodations for all jurors]** The jury commissioner should accommodate a prospective juror's schedule by granting a prospective juror's request for a one-time deferral of jury service. If the request for a deferral is made under penalty of perjury in writing or through the court's established electronic means, and in accordance with the court's local procedure, the jury commissioner should not require the prospective juror to appear at court to make the request in person.
- (b) [Scheduling accommodations for peace officers]** If a prospective juror is a peace officer, as defined by section 830.5 of the Penal Code, the jury commissioner must make scheduling accommodations upon application of the peace officer setting forth the reason a scheduling accommodation is necessary. The jury commissioner must establish procedures for the form and timing of the application. If the request for special accommodations is made under penalty of perjury in writing or through the court's established electronic means, and in accordance with the court's local procedure, the jury commissioner must not require the prospective juror to appear at court to make the request in person.

*Rule 858 adopted effective January 1, 2005.*

## **Rule 862. Juror motion to set aside sanctions imposed by default**

- (a) [Motion]** A prospective juror against whom sanctions have been imposed by default under Code of Civil Procedure section 209 may move to set aside the default. The motion must be brought no later than 60 days after sanctions have been imposed.
- (b) [Contents of motion]** A motion to set aside sanctions imposed by default must contain a short and concise statement of the reasons the prospective juror was not able to attend when summoned for jury duty and any supporting documentation.
- (c) [Judicial Council form may be used]** A motion to set aside sanctions imposed by default may be made by completing and filing Judicial Council form MC-070.
- (d) [Hearing]** A court may decide the motion with or without a hearing.
- (e) [Good cause required]** If the motion demonstrates good cause, a court must set aside sanctions imposed against a prospective juror.
- (f) [Continuing obligation to serve]** Nothing in this rule relieves a prospective juror of the obligation of jury service.
- (g) [Notice to juror]** The court must provide a copy of this rule to the prospective juror against whom sanctions have been imposed.
- (h) [Sunset date]** This rule is effective until January 1, 2007.

*Rule 862 adopted effective January 1, 2005.*

## **Rule 4.112. Readiness Conference**

- (a) [Date and appearances]** The court may hold a readiness conference ~~shall be held in felony cases~~ within 1 to 14 days before the date set for trial. At the readiness conference:

  - (1)** All trial counsel ~~shall~~ must appear and be prepared to discuss the case and determine whether the case can be disposed of without trial.

(2) The prosecuting attorney ~~shall~~ must have authority to dispose of the case.  
~~, and~~

(3) The defendant ~~shall~~ must be present in court.

*(Subd (a) amended effective January 1, 2005; adopted as rule 227.6 effective January 1, 1985; previously amended and relettered effective January 1, 2001.)*

(b) \*\*\*

*Rule 4.112 amended effective January 1, 2005; subd. (a) adopted as rule 227.6 effective January 1, 1985, subd (b) adopted as Standards of Judicial Administration section 10.1 effective January 1, 1985; previously amended and renumbered effective January 1, 2001.*

## **Rule 5.28. Domestic partnerships**

### **(a) [Procedures for obtaining a dissolution, a legal separation, or an annulment of a domestic partnership]**

- (1) Form FL-103, *Petition—Domestic Partnership (Family Law)* must be filed to commence an action for dissolution, legal separation, or annulment of a domestic partnership. Form FL-123, *Response—Domestic Partnership (Family Law)*, must be filed in response to this petition.
- (2) All other forms and procedures used for the dissolution, legal separation, or annulment of a domestic partnership are the same as those used for the dissolution, legal separation, or annulment of a marriage, except that parties who qualify for a “Notice of Termination of Domestic Partnership” under Family Code section 299 must follow that procedure rather than file a summary dissolution proceeding with the superior court.

### **(b) [Terminology for rules and forms]**

For the purposes of family law rules and forms, the terms “spouse,” “husband,” and “wife” encompass “domestic partner.” The terms “father” and “mother” encompass “parent.” The terms “marriage” and “marital status” encompass “domestic partnership” and “domestic partnership status,” respectively.

*Rule 5.28 adopted effective January 1, 2005.*



## Rule 5.102. Parties to proceeding

- (a) Except as provided in ~~(b)~~ (c) or in rules 5.150 through 5.160, the only persons permitted to be parties to a proceeding for dissolution, legal separation, or nullity of marriage are the husband and wife.

*(Subd (a) amended effective January 1, 2005; previously amended effective January 1, 1977, January 1, 1999, and January 1, 2003.)*

- (b) Except as provided in (c) or in rules 5.150 through 5.160, the only persons permitted to be parties to a proceeding for dissolution, legal separation, or nullity of domestic partnership are the domestic partners.

*(Subd (b) adopted effective January 1, 2005.)*

- ~~(b)(c)~~ In a nullity proceeding commenced by a person specified in Family Code section 2211, other than a proceeding commenced by or on behalf of the husband or wife in a marriage or one of the domestic partners in a domestic partnership, the person initiating the proceeding is a party and the caption on all papers must be suitably modified to reflect that fact.

*(Subd (c) amended and relettered effective January 1, 2005; adopted as subd (b) effective January 1, 1970; previously amended effective January 1, 1994, and January 1, 2003.)*

*Rule 5.102 amended effective January 1, 2005; adopted as rule 1211 effective January 1, 1970; previously amended effective January 1, 1977, January 1, 1994, and January 1, 1999; amended and renumbered effective January 1, 2003.*

## Rule 5.210. Court-connected child custody mediation

- (a)–(e) \*\*\*

- (f) **[Training, continuing education, and experience requirements for mediator, mediation supervisor, and family court services director]** As specified in Family Code sections 1815 and 1816:

- (1) All mediators, mediation supervisors, and family court service ~~program~~ directors must:

- (A) \*\*\*

- (B) ~~Attend~~ Annually complete 8 hours of related continuing education programs, conferences, and workshops. This requirement is in

addition to the annual 4-hour domestic violence update training described in rule 5.215; and

(C) \*\*\*

- (2) Each mediation supervisor and family court services director and ~~mediation supervisor~~ must attend complete at least ~~32~~ 24 hours of additional training each calendar year. This requirement may be satisfied in part by the domestic violence training required by Family Code section 1816.

*(Subd (f) amended effective January 1, 2005; previously amended effective January 1, 2003.)*

**(g) [Education and training providers]** Only education and training acquired from eligible providers meet the requirements of this rule. “Eligible providers” includes the Administrative Office of the Courts and may include educational institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, and court-connected groups.

(1) Eligible providers must:

- (A) Ensure that the training instructors or consultants delivering the education and training programs either meet the requirements of this rule or are experts in the subject matter;
- (B) Monitor and evaluate the quality of courses, curricula, training, instructors, and consultants;
- (C) Emphasize the importance of focusing child custody mediations on the health, safety, welfare, and best interest of the child;
- (D) Develop a procedure to verify that participants complete the education and training program; and
- (E) Distribute a certificate of completion to each person who has completed the training. The certificate must document the number of hours of training offered, the number of hours the person completed, the dates of the training, and the name of the training provider.
- (2) Effective July 1, 2005, all education and training programs must be approved by the Administrative Office of the Courts.

*(Subd (g) adopted effective January 1, 2005.)*

**(g) (h) \*\*\***

*(Subd (h) relettered effective January 1, 2005; adopted as subd (g) effective July 1, 2001; previously amended effective January 1, 2003.)*

*Rule 5.210 amended effective January 1, 2005; adopted as rule 1257.1 effective July 1, 2001; previously amended effective January 1, 2002; amended and renumbered effective January 1, 2003.*

**Rule 5.225. Education, ~~experience, and training~~, and experience standards for court-appointed child custody investigators and evaluators**

**(a)–(c) \*\*\***

**(d) [Requirements for evaluators' qualifications: education, ~~experience, and training~~, and experience]** Persons appointed as child custody evaluators must:

- (1) ~~Effective January 1, 2004, Complete a total of 40 hours of initial education and training and education as described in subdivision (e); At least 20 of the 40 hours of education and training required by this rule must be completed by January 1, 2003;~~
- (2) \*\*\*
- (3) Fulfill the experience requirements described in ~~subdivision (f)~~; and
- (4) Meet the continuing education, ~~experience, and training~~, and experience requirements described in ~~subdivision (g)~~ (h).

*(Subd (d) amended effective January 1, 2005.)*

**(e) [Education and training requirements]** Only education and training acquired after January 1, 2000, ~~that meets the requirements for training and education from providers described in subdivision (n)~~ (m) meets the requirements of this rule. ~~Ten of the hours required by this rule may be earned through self study that is supervised by a training provider who meets the requirements described in subdivision (n).~~ Serving as the instructor in a course meeting the requirements described in ~~subdivision (n)~~ (m) in one or more of the subjects listed in paragraphs (1) through (21) below can be substituted for completion of the requisite number of hours specified in ~~subdivision (d)~~ on an hour-per-hour basis, but each subject taught may be counted only once. The hours

required by this rule must include, but are not limited to, all of the following subjects:

(1)–(21) \*\*\*

*(Subd (e) amended effective January 1, 2005.)*

(f) \*\*\*

**(g) [Court-connected evaluators]** A court-connected evaluator who does not meet the education and training requirements in (d) and (e) may conduct child custody evaluations:

- (1) If he or she has completed 20 of the 40 hours of initial education and training required by (d);
- (2) If he or she completes the additional 20 hours of education and training required by (d) within 12 months of beginning practice as a child custody evaluator;
- (3) If he or she complies with the experience requirements in (f); and
- (4) If, during the period in which the evaluator does not meet the requirements of the rule, he or she is supervised by a court-connected evaluator who has complied with the education, training, and experience requirements of this rule.

*(Subd (g) adopted effective January 1, 2005.)*

~~(g)~~ **(h) [Continuing education and training]** ~~Effective January 1, 2004, After completing the initial 40 hours of training, persons appointed as child custody evaluators must annually attend~~ complete 8 hours of update training covering subjects described in subdivision (e) after completing the initial 40 hours of training. This requirement is in addition to the annual 4 hours of domestic violence update training described in rule 5.230.

*(Subd (h) amended and relettered effective January 1, 2005; adopted as subd (g) effective January 1, 2002.)*

~~(h)~~ **(i) [Ongoing clinical consultation]** When conducting evaluations, persons appointed as child custody evaluators should, where appropriate, seek guidance from professionals who meet the requirements of this rule.

*(Subd (i) relettered effective January 1, 2005; adopted as subd (h) effective January 1, 2002.)*

- ~~(i) [Court employees] Effective January 1, 2004, court connected evaluators may conduct evaluations if they have already completed at least 20 hours of the training required in subdivision (d) of this rule and meet all of the qualifications established by this rule within 12 months after completing the 20-hour requirement. During the period in which a court connected evaluator does not yet meet the requirements of this rule, a court connected professional who meets the requirements of the rule must supervise the court connected evaluator's work.~~

*(Subd (i) repealed effective January 1, 2005; adopted effective January 1, 2002.)*

- ~~(j) [Alternative appointment criteria] If the court appoints a child custody evaluator under Family Code section 3110.5(d), the court must require that the evaluator:~~

- ~~(1) Possess a master's or doctoral degree in psychology, social work, marriage and family counseling, or another behavioral science substantially related to working with families; and~~
- ~~(2) Have completed the education, experience, and training requirements in subdivisions (e) and (g) of this rule.~~

*(Subd (j) repealed effective January 1, 2005; adopted effective January 1, 2002.)*

- ~~(k) [Licensing requirements] On or after January 1, 2005, persons appointed as child custody evaluators must meet the criteria set forth in Family Code section 3110.5(c)(1)-(5).~~

*(Subd (k) repealed effective January 1, 2005; adopted effective January 1, 2002.)*

**(i) [Appointment criteria]**

- (1) On or after January 1, 2005, persons appointed as child custody evaluators must meet the criteria set forth in Family Code section 3110.5(c)(1)-(5).
- (2) If there are no child custody evaluators available locally who meet the criteria of Family Code section 3110.5(c)(1)-(5), the parties may, under Family Code section 3110.5(d), stipulate to an individual who does not meet the criteria described in Family Code section 3110.5(c)(1)-(5), subject to approval by the court. Any evaluator chosen must, at a

minimum, have complied with the education, training, and experience requirements in (d), (e), and (f).

*(Subd (j) adopted effective January 1, 2005.)*

**~~(h)~~ (k) [Responsibility of the courts]** Each court:

- (1) ~~On or before January 1, 2004, Must develop local court rules to implement this rule that:~~

(A)–(B) \*\*\*

- (2) ~~Effective January 1, 2004, Must use the Judicial Council form *Order Appointing Child Custody Evaluator* (FL-327) to appoint a private child custody evaluator or a court-connected evaluation service. Form FL-327 may be supplemented with local court forms;~~

(3)–(4) \*\*\*

*(Subd (k) amended and relettered effective January 1, 2005; adopted as subd (l) effective January 1, 2002.)*

**~~(m)~~ (l) [Child custody evaluator]** A person appointed as a child custody evaluator must:

- (1) ~~Effective January 1, 2004, complete and file with the court Judicial Council form *Declaration of Child Custody Evaluator Regarding Qualifications* (FL 326). This form must be filed no later than 10 court days after receipt of notification of the appointment and before any work on the child custody evaluation has begun, unless the person is a court-connected employee who must file annually with the court Judicial Council form *Declaration of Child Custody Evaluator Regarding Qualifications* (FL 326); Submit to the court a declaration indicating compliance with all applicable education, training, and experience requirements:~~

(A) Court-connected child custody evaluators practicing as of January 1 of the given year must submit Judicial Council form *Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications* (FL-325) to the local family court services office or administrator by January 30 of that year. Court-connected evaluators beginning practice after January 1 must file form FL-325 before any work on

the first child custody evaluation has begun and by January 30 of every year thereafter; and

(B) Private child custody evaluators must complete Judicial Council form *Declaration of Private Child Custody Evaluator Regarding Qualifications* (FL-326) and file it with the clerk's office no later than 10 days after notification of each appointment and before any work on each child custody evaluation has begun;

(2)–(6) \*\*\*

*(Subd. (l) amended and relettered effective January 1, 2005; adopted as subd (m) effective January 1, 2002.)*

~~(n)~~ **(m)** ~~[Training and Education and training providers]~~ “Eligible providers” includes the Administrative Office of the Courts and may include educational institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, and court-connected groups, ~~and the Administrative Office of the Courts~~. Eligible providers must:

(1)–(2) \*\*\*

(3) Emphasize the importance of focusing ~~the~~ child custody evaluations on the health, safety, welfare, and best interest of the child;

(4) Develop a procedure to verify that participants complete the education and training program;

~~(4)~~ (5) Distribute a certificate of completion to each person who has ~~attended~~ completed the training. The certificate ~~will~~ must document the number of hours of training offered, the number of hours the person ~~attended~~ completed, the dates of the training, and the name of the training provider; and

(5) Meet the approval requirements described in ~~subdivision (e)~~ (n).

*(Subd. (m) amended and relettered effective January 1, 2005; adopted as subd (n) effective January 1, 2002.)*

~~(e)~~ **(n)** **[Eligible training]** Effective July 1, 2003, eligible education and training programs ~~and education programs~~ must be approved by the Administrative ~~Director~~ Office of the Courts. Training and Education and training courses that

were taken between January 1, 2000, and July 1, 2003, may be applied toward the requirements of this rule if ~~it~~ they ~~addresses~~ addressed the subjects listed in ~~subdivision~~ (e); and ~~is~~ were either certified for continuing education credit by a professional provider group or offered as part of a related postgraduate degree or licensing program.

*(Subd (n) amended and relettered effective January 1, 2005; adopted as subd (o) effective January 1, 2002.)*

*Rule 5.225 amended effective January 1, 2005; adopted as rule 1257.4 effective January 1, 2002; renumbered effective January 1, 2003.*

### **Rule 5.230. Domestic violence training standards for court-appointed child custody investigators and evaluators**

(a)–(c) \*\*\*

(d) **[Mandatory training]** Persons appointed as child custody investigators under Family Code section 3110 or Evidence Code section 730, and persons who are professional staff or trainees in a child custody or visitation evaluation or investigation, must complete basic training in domestic violence issues as described in Family Code section 1816 and, in addition:

(1) *(Advanced training)* Sixteen hours of advanced training must be completed within a 12-month period. ~~These 16 hours~~ The training must include the following:

(A) Twelve hours of instruction, as approved by the Administrative ~~Director~~ Office of the Courts, in:

(i)–(v) \*\*\*

(B) \*\*\*

(2) *(Annual update training)* Four hours of update training are required each year after the year in which the advanced training is completed. These four hours must consist of ~~in-person classroom~~ instruction focused on, but not limited to, an update of changes or modifications in local court practices, case law, and state and federal legislation related to domestic violence, and an update of current social science research and theory, particularly in regard to the impact on children of exposure to domestic violence.



*(Subd (d) amended effective January 1, 2005; previously amended effective January 1, 2002, January 1, 2003, and January 1, 2004.)*

- (e) **[Domestic violence Education and training providers]** Only education and training acquired from eligible providers meets the requirements of this rule. “Eligible providers” includes the Administrative Office of the Courts and may include educational institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, and court-connected groups.

(1) Eligible providers must:

- (A) Ensure that the training instructors or consultants delivering the education and training programs either meet the requirements of this rule or are experts in the subject matter;
- (B) Monitor and evaluate the quality of courses, curricula, training, instructors, and consultants;
- (C) Emphasize the importance of focusing child custody evaluations on the health, safety, welfare, and best interest of the child;
- (D) Develop a procedure to verify that participants complete the education and training program; and
- (E) Distribute a certificate of completion to each person who has completed the training. The certificate must document the number of hours of training offered, the number of hours the person completed, the dates of the training, and the name of the training provider.

(2) Effective July 1, 2005, all education and training programs must be approved by the Administrative Office of the Courts.

*(Subd (e) amended effective January 1, 2005.)*

- ~~(f) **[Certificate of course completion]** Domestic violence training providers must distribute a certificate of completion to each person who has attended the initial 12 hour instruction and to each person who has attended the annual 4-hour update training in domestic violence for child custody evaluators. The certificate of completion must document (or state) the number of hours of training offered, the number of hours the person attended, the date(s) of the training, and the name of the training provider.~~

*(Subd (f) repealed effective January 1, 2005; adopted effective January 1, 1999; amended effective January 1, 2003, and January 1, 2004.)*

**~~(g)~~ (f)** \*\*\*

*(Subd (f) relettered effective January 1, 2005; adopted as subd (g) effective January 1, 1999; amended effective January 1, 2003, and January 1, 2004.)*

**~~(h)~~ (g)** \*\*\*

*(Subd (g) relettered effective January 1, 2005; adopted as subd (h) effective January 1, 1999.)*

*Rule 5.230 amended effective January 1, 2005; adopted as rule 1257.7 effective January 1, 1999; previously amended effective January 1, 2002; amended and renumbered effective January 1, 2003; amended effective January 1, 2004.*

## **Rule 5.500. Court communication protocol for domestic violence and child custody orders**

**(a)–(b)** \*\*\*

**(c) [Local rule required]** Every superior court must, by January 1, 2004, adopt local rules containing, at a minimum, the following elements:

- (1) *(Court communication)* A procedure for communication among courts issuing criminal protective orders and courts issuing orders involving child custody and visitation orders, regarding the existence and terms of criminal protective orders and child custody and visitation orders, including:
  - (A) A procedure requiring courts issuing any orders involving child custody or visitation to make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the action; and
  - (B) A procedure requiring courts issuing criminal court protective orders to make reasonable efforts to determine whether there exist any child custody or visitation orders that involve any party to the action.
- (2) *(Modification)* A procedure by which the court that has issued a criminal court protective order may, after consultation with a court that has issued a subsequent child custody or visitation order, modify the criminal court

protective order to allow or restrict contact between the person restrained by the order and his or her children.

- (3) The requirements of Penal Code section 136.2~~(i)~~(j)(1) and (2).

*(Subd (c) amended effective January 1, 2005.)*

*Rule 5.500 amended effective January 1, 2005; adopted effective January 1, 2003.*

### **Rule 1405.5. Court-connected dependency mediation**

**(a)–(c)** \*\*\*

- (d) [Mediation process]** The dependency mediation process must be conducted in accordance with pertinent state laws, applicable rules of court, and local protocols. All local protocols must include the following:

**(1)–(5)** \*\*\*

- (6)** Protocols related to the inclusion of children in the mediation, including a requirement that the mediator explain in an age-appropriate way the mediation process to a participating child. The following information must be explained to the child:

**(A)** ~~The options available to~~ How the child may for his or her participation participate in the mediation;

**(B)–(E)** \*\*\*

**(F)** The child's ~~absolute~~ right to be accompanied, throughout the mediation, by his or her attorney and other support persons; and

**(G)** The child's ~~ability to take a break or terminate~~ right to leave the mediation session if his or her emotional or physical well-being is threatened.

**(7)–(9)** \*\*\*

*(Subd (d) amended effective January 1, 2005.)*

- (e) [Education, experience, and training requirements for dependency mediators]** Dependency mediators must meet the following minimum qualifications:

- (1) Possession of one of the following:
  - (A) \*\*\*
  - (B) A ~~Juris Doctor~~ juris doctorate or bachelor of laws degree ~~with demonstrated experience in the field of juvenile or family law;~~
- (2) At least two years of experience as an attorney, a referee, a judicial officer, ~~or a mediator, or a child welfare worker~~ in juvenile dependency court ~~or domestic relations court~~, or at least three years of experience in mediation, or counseling, ~~psychotherapy, or any combination thereof~~, preferably in a setting related to juvenile dependency or domestic relations; and
- (3) Completion of at least 40 hours of initial dependency mediation training prior to or within 12 months of beginning practice as a dependency mediator. Currently practicing dependency mediators must complete the required 40 hours of initial training by January 1, 2006; ~~at least 20 hours of this training must be completed by January 1, 2005. No training completed before January 1, 2002 may be used to satisfy these requirements.~~ The training must cover the following subject areas as they relate to the practice of dependency mediation:
  - (A) ~~The dynamics of physical and sexual abuse, exploitation, emotional abuse, endangerment, and neglect of children, and their impacts on children;~~
  - (B) ~~Child development and its relevance to the needs of children, to child abuse and neglect, and to child custody and visitation arrangements;~~
  - (C) ~~The dynamics of domestic and family violence, its relevance to child abuse and neglect, and its effects on children and adult victims;~~
  - (D) ~~Substance abuse and its impact on children;~~
  - (E) ~~The roles and participation of parents, other family members, children, attorneys, guardians ad litem, the child welfare agency staff, Court Appointed Special Advocates (CASAs), law enforcement, mediators, the court, and other involved professionals and interested participants in the mediation process;~~

- ~~(F) Juvenile dependency and child welfare systems, including dependency law;~~
- ~~(G) The dynamics of disclosure and recantation and of denial of child abuse and neglect;~~
- ~~(H) Adult and child psychopathology;~~
- ~~(I) The psychology of families, the dynamics of family systems, and the impacts of separation, divorce, and family conflict on children;~~
- ~~(J) Safety and treatment issues related to child abuse, neglect, and family violence;~~
- ~~(K) Available community resources for dealing with domestic and family violence; substance abuse; and housing, educational, medical, and mental health needs in addition to related services for families in the juvenile dependency system, such as regional centers;~~
- ~~(L) The impact that the mediation process can have on children's well-being and behavior, and when and how to involve children in mediation;~~
- ~~(M) Methods to assist parties in developing options for different parenting arrangements that consider the needs of the children and each parent's capacity to parent;~~
- ~~(N) Awareness of differing cultural values, including the dynamics of cross-generational cultural issues and local demographics;~~
- ~~(O) The Americans With Disabilities Act, its requirements, and strategies for handling situations involving disability issues or special needs;~~
- ~~(P) The effect on family dynamics of removal or nonremoval of children from their homes and family members, including the related implications for the mediation process;~~
- ~~(Q) The effect of poverty on family dynamics and parenting; and~~
- ~~(R) An overview of the special needs of dependent children, including their educational, medical, and psychosocial needs, and the resources available to meet those needs.~~

(A) Multiparty, multi-issue, multiagency, and high-conflict cases, including, but not limited to:

(i) The roles and participation of parents, other family members, children, attorneys, guardians ad litem, children's caregivers, the child welfare agency staff, Court Appointed Special Advocate (CASA) volunteers, law enforcement, mediators, the court, and other involved professionals and interested participants in the mediation process;

(ii) The impact that the mediation process can have on a child's well-being, and when and how to involve the child in the process;

(iii) The methods to help parties collaboratively resolve disputes and jointly develop plans that consider the needs and best interest of the child;

(iv) The disclosure, recantation, and denial of child abuse and neglect;

(v) Adult mental health issues; and

(vi) The requirements of the Americans With Disabilities Act and strategies for handling situations involving disability issues or special needs;

(B) Physical and sexual abuse, exploitation, emotional abuse, endangerment, and neglect of children, and the impacts on children, including safety and treatment issues related to child abuse, neglect, and family violence;

(C) Family violence, its relevance to child abuse and neglect, and its effects on children and adult victims, including safety and treatment issues related to child abuse, neglect, and family violence;

(D) Substance abuse and its impact on children;

(E) Child development and its relevance to child abuse, neglect, and child custody and visitation arrangements;

- (F) Juvenile dependency and child welfare systems, including dependency law;
- (G) Interfamilial relationships and the psychological needs of children, including, but not limited to:
  - (i) The effect of removal or nonremoval of children from their homes and family members; and
  - (ii) The effect of terminating parental rights;
- (H) The effect of poverty on parenting and familial relationships;
- (I) Awareness of differing cultural values, including cross-generational cultural issues and local demographics;
- (J) An overview of the special needs of dependent children, including their educational, medical, psychosocial, and mental health needs; and
- (K) Available community resources and services for dealing with domestic and family violence, substance abuse, and housing, educational, medical, and mental health needs for families in the juvenile dependency system.

*(Subd (e) amended effective January 1, 2005.)*

**(f)–(h)      \*\*\***

**(i) [Education and training providers]** Only education and training acquired from eligible providers meets the requirements of this rule. “Eligible providers” includes the Administrative Office of the Courts and may include educational institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, and court-connected groups.

(1) Eligible providers must:

(A) Ensure that the training instructors or consultants delivering the education and training programs either meet the requirements of this rule or are experts in the subject matter;

- (B) Monitor and evaluate the quality of courses, curricula, training, instructors, and consultants;
- (C) Emphasize the importance of focusing dependency mediations on the health, safety, welfare, and best interest of the child;
- (D) Develop a procedure to verify that participants complete the education and training program;
- (E) Distribute a certificate of completion to each person who has completed the training. The certificate must document the number of hours of training offered, the number of hours the person completed, the dates of the training, and the name of the training provider.

(2) Effective July 1, 2005, all education and training programs must be approved by the Administrative Office of the Courts.

*(Subd (i) adopted effective January 1, 2005.)*

~~(i)~~ (j)      \*\*\*

*(Subd (j) relettered effective January 1, 2005; adopted as subd (i) effective January 1, 2004.)*

*Rule 1405.5 amended effective January 1, 2005; adopted effective January 1, 2004.*

## **Rule 1410. Persons present**

- (a) [Separate session; restriction on persons present (§§ 345, 675)]** All juvenile court proceedings ~~shall~~ must be heard at a special or separate session of the court, and no other matter ~~shall~~ may be heard at that session. No person on trial, awaiting trial, or accused of a crime, other than a parent, de facto parent, guardian, or relative of the child, ~~shall be permitted to~~ may be present at the hearing, except while testifying as a witness.

*(Subd (a) amended effective January 1, 2005.)*

- (b) [Persons present (§§ 280, 290.1, 290.2, 332, ~~335~~, 347, 349, 353, 656, 658, 677, 679, 681, 700; 25 U.S.C. §§ 1911, 1931–1934)]** The following persons are entitled to be present:

(1)–(9)      \*\*\*

(10) At the court's discretion, a bailiff; and



(11) Any other persons entitled to notice of the hearing under sections 290.1 and 290.2.

*(Subd (b) amended effective January 1, 2005; previously amended effective January 1, 1995, and January 1, 1997.)*

**(c)–(e) \*\*\***

*Rule 1410 amended effective January 1, 2005; adopted effective January 1, 1990; previously amended effective January 1, 1995, January 1, 1997, and January 1, 2001.*

**Rule 1412. General provisions—proceedings**

**(a)–(m) \*\*\***

**(n) [Presence of child (§ 349)]** If the child is 10 years of age or older and he or she is not present at the hearing, the court must determine whether the child was properly notified of his or her right to attend the hearing and ask why the child is not present at the hearing.

*(Subd (n) adopted effective January 1, 2005.)*

*Rule 1412 amended effective January 1, 2005; adopted effective January 1, 1991; previously amended effective January 1, 1994, July 1, 1995, January 1, 1997, January 1, 2000, and July 1, 2002.*

**Rule 1424. Program guidelines requirements for Court Appointed Special Advocate programs**

**(a) [General provisions]** A Court Appointed Special Advocate (CASA) program must comply with this rule to be eligible to receive Judicial Council funding. The Judicial Council may consider compliance with the guidelines delineated in the *CASA Program Policies and Procedures Manual* when determining eligibility for and amount of program funding.

*(Subd (a) adopted effective January 1, 2005.)*

**(a) (b) [Definitions]**

- (1) A “Court Appointed Special Advocate (CASA) program” is the local ~~court appointed special child~~ advocate program, ~~or variation thereof,~~ which that has adopted and adheres to these guidelines this rule; and ~~which that~~ has been designated by the local presiding juvenile court judge

to recruit, screen, select, train, supervise, and support lay volunteers to be appointed by the court to help define the best interests of children in juvenile court dependency and wardship proceedings; ~~CASA programs are defined as those that have~~ and has completed one development grant year and one “start-up” year.

(2) The Judicial Council’s Administrative Office of the Courts (AOC) may create a *CASA Program Policies and Procedures Manual* containing recommended program policies and procedures. If the AOC creates a manual, it will be developed in collaboration with the California CASA Association and California CASA program directors. The protocols will address program and fiscal management and the recruitment, screening, selection, training, and supervision of lay volunteers.

~~(2)~~ (3) A “CASA volunteer” is a person who has been recruited, screened, selected, and trained, who is being supervised and supported by a local CASA program, and who has been appointed by the juvenile court as a sworn officer of the court to help define the best interests of a child or children in juvenile court dependency and wardship proceedings.

~~(3)~~ (4) \*\*\*

~~(4)~~ (5) A “wardship proceeding” is a legal action involving a child under the age of 18 years who is alleged to be:

(i) (A) A person described under Welfare and Institutions Code section 601 (who is beyond parental control or habitually disobedient or truant); or

(ii) (B) A person described under ~~Welfare and Institutions Code~~ section 602 (who has violated any state or federal law or any city or county ordinance).

*(Subd (b) amended and relettered effective January 1, 2005; adopted as subd (a) effective July 1, 1994.)*

~~(b)~~ (c) **[Recruiting, screening, and selecting CASA volunteers]**

(1) A CASA program ~~shall~~ must adopt and adhere to a written plan for the recruitment of potential CASA volunteers. ~~The following considerations are essential to the effective recruitment of qualified CASA volunteers:~~ The program staff, in its recruitment effort, must address the demographics of the jurisdiction by making all reasonable efforts to

ensure that individuals representing all racial, ethnic, linguistic, and economic sectors of the community are recruited and made available for appointment as CASA volunteers.

- ~~(A) The recruitment effort shall clearly explain the purposes of the CASA program and its role on behalf of children in juvenile court proceedings;~~
- ~~(B) The recruitment effort shall define the role and responsibilities of the CASA volunteer in such proceedings;~~
- ~~(C) The recruitment effort shall emphasize the degree and duration of the commitment expected of the CASA volunteer. The CASA volunteer should be prepared to commit a minimum of one year of service to a child and may be called upon to commit several hours per week of duty;~~
- ~~(D) The recruitment effort shall address the demographics of the jurisdiction by making all reasonable efforts to ensure that individuals representing all sectors of the community and all racial, ethnic, linguistic, and economic sub-groups within it are recruited and made available for appointment as CASA volunteers; and~~
- ~~(E) The recruitment effort should include some individuals who are able to work effectively with children who have special needs such as those with hearing, sight, or speech impairment; developmental disability; physical or mental disability; or any other condition requiring an individual with special skills for communication and advocacy.~~

- (2) A CASA program ~~shall~~ must adopt and adhere to ~~a~~ the following minimum written screening procedures for screening potential CASA volunteers under Welfare and Institutions Code section 102(e). ~~The following considerations are essential to the effective screening of qualified CASA volunteers:~~

- ~~(A) The screening procedure shall be designed and implemented to ensure that those accepted for training are of good character, competent to fulfill the role of a CASA volunteer, and willing to commit the time and energy necessary to effectively present and advance the best interests of a child or children in juvenile court proceedings;~~

- ~~(B)~~ The screening procedure shall include an information and orientation mechanism for aspiring CASA volunteers, presenting such topics as the role of the juvenile court, including its relationship to the child welfare agency in child abuse and neglect cases, the general CASA concept, a description of the local CASA program, and the role and responsibilities of the CASA volunteer;
- (C) ~~(A)~~ The screening procedure shall include A written application that generates adequate minimum identifying data; information regarding the applicant's education, training, and experience; minimum age requirements; and current and past employment; demonstrated interest in children and their welfare; personal experience with child abuse and neglect that bears upon the applicant's ability to be effective in these types of cases; and a statement of commitment to the role and responsibilities of a CASA volunteer;
- ~~(D)~~ (B) The screening procedure shall include Notice to the applicant that a formal security check will be made, including inquiries, through appropriate law enforcement agencies, regarding any criminal record, driving record, or other record of conduct that would disqualify the applicant from service as a CASA volunteer. The security check ~~should~~ must include fingerprinting and reference to criminal registries in appropriate states. It should also ensure that the CASA volunteer has adequate motor vehicle insurance coverage if use of a motor vehicle will be necessary to the performance of duty. Refusal to consent to a formal security check ~~shall be~~ is grounds for rejecting an applicant;
- ~~(E)~~ (C) The screening procedure shall include A minimum of three completed references regarding the character, competence, and reliability of the applicant and his or her suitability for assuming the role of a CASA volunteer; and.
- (F) ~~(D)~~ The screening procedure shall include A personal interview or interviews by a person or persons approved by the presiding juvenile court judge or his or her designee, probing the essential areas of concern with respect to the qualities of an effective CASA volunteer. A written, confidential record of the interview and the interviewer's assessments and observations ~~should~~ must be made; and ~~kept~~ retained in the advocate's file.

(3) If a CASA program allows its volunteers to transport children, the program must ensure that each volunteer transporting children:

(A) Possesses a valid and current driver's license;

(B) Possesses personal automobile insurance that meets the minimum state personal automobile insurance requirements;

(C) Obtains permission from the child's guardian or custodial agency; and

(D) Provides the CASA program with a Department of Motor Vehicles driving record report annually.

~~(3) (4)~~ A CASA program shall must adopt ~~and adhere to~~ a written preliminary ~~selection~~ procedure for selecting CASA candidates ~~regarding entry into to enter~~ the CASA training program. ~~The following considerations are essential to the effective selection of CASA volunteer trainees:~~ The selection procedure must state that any applicant found to have been convicted of or to have current charges pending for a felony or misdemeanor involving a sex offense, child abuse, or child neglect must not be accepted as a CASA volunteer. This policy must be stated on the volunteer application form.

~~(A) The selection procedure should be designed and implemented to ensure that those selected recognize the seriousness of the role to which they aspire and the demands that it will make upon them; and~~

~~(B) The selection procedure should ensure that those not selected are treated with dignity and respect and, if possible, referred to alternative volunteer opportunities more suitable for them.~~

*(Subd (c) amended and relettered effective January 1, 2005; adopted as subd (b) effective July 1, 1994; previously amended effective January 1, 1995.)*

**(e) (d) [Initial training of CASA volunteers]** A CASA program shall must adopt and adhere to a written plan for the initial training of CASA volunteers. ~~The following considerations are essential to the initial training and final selection of CASA volunteers:~~

~~(1) The initial training curriculum shall include at least 24 hours of formal instruction covering the following topic areas:~~

~~Child Development and Family Systems~~

~~Dynamics of Child Abuse and Neglect~~

~~The Role of Law Enforcement~~

~~The Role of the Child Welfare Agency~~

~~The Role of the Juvenile Court and Its Key Participants~~

~~Dependency Law and Procedure~~

~~An Introduction to Discovery and Evidence~~

~~Court Appearances and Testimony~~

~~Ethics, Confidentiality of Information, and Mandated Reporting~~

~~Community Resources for Children~~

~~Cross-Cultural Issues~~

~~The CASA Concept~~

~~The Local CASA Program~~

~~The Role and Responsibilities of the CASA Volunteer~~

~~Investigation~~

~~Interviewing~~

~~Report Writing and Verification~~

~~Advocacy~~

~~Any other subject deemed appropriate by the CASA program director or the juvenile court presiding judge. If volunteers will be assigned to wardship cases, the initial training shall include instruction on relevant juvenile court law.~~

(1) The initial training curriculum must include at least 30 hours of formal instruction. This curriculum must include mandatory training topics as

listed in Welfare and Institutions Code section 102(d). The curriculum may also include additional appropriate topics.

- ~~(2) The initial training program shall include an opportunity for each trainee to visit the juvenile court while it is in session and observe proceedings similar to those in which he or she would be involved as a CASA volunteer as well as the opportunity to visit a local child welfare agency and other community agencies and institutions relevant to the work of a CASA volunteer.~~
- ~~(3) The initial training program shall include written materials covering the topic areas of the training curriculum. These materials should be provided to trainees in a form designed for easy access, reference, and update.~~
- ~~(4) Trainers and faculty of the initial training program should be persons with substantial knowledge, training, and experience in the subject matter they present and should be competent in the provision of technical training to laypersons aspiring to be CASA volunteers.~~
- ~~(5) CASA program staff and others responsible for the initial training program should be attentive to the participation and progress of each trainee and be able to objectively evaluate his or her abilities according to criteria developed by the CASA program for that purpose.~~

- (2) The final selection process is contingent on the successful completion of the initial training program, as determined by the presiding judge of the juvenile court or his or her designee.

*(Subd (d) amended and relettered effective January 1, 2005; adopted as subd (c) effective July 1, 1994; previously amended effective January 1, 1995.)*

- ~~(d)~~ (e) **[Oath]** At the completion of training, and before assignment to any child's case, the CASA volunteer shall must take a court-~~approved~~administered oath describing the duties and responsibilities of the advocate under Welfare and Institutions Code section 103(f). The CASA volunteer shall must also sign a written affirmation of that oath. The signed affirmation shall must be retained in the volunteer's file.

*(Subd (e) amended and relettered effective January 1, 2005; adopted as subd (d) effective July 1, 1994.)*

- ~~(e)~~ (f) **[Duties and responsibilities]** ~~(4)~~ CASA volunteers serve at the discretion of the court having jurisdiction over the proceeding in which the volunteer

has been appointed. A CASA volunteer is an officer of the court and is bound by all court rules under Welfare and Institutions Code section 103(e). ~~(2)~~ A CASA program ~~shall~~ must develop and adopt a written description of duties and responsibilities, consistent with local court rules, ~~which shall address at least the following:~~

- ~~(A) Supporting the child throughout the court proceedings;~~
- ~~(B) Explaining the court proceedings to the child;~~
- ~~(C) Establishing a relationship with the child to better understand the child's needs and desires;~~
- ~~(D) Reviewing available records regarding the child's family history, school behavior, medical or mental health history, etc.;~~
- ~~(E) Identifying and exploring potential resources that will facilitate family preservation, early family reunification, or alternative permanency planning;~~
- ~~(F) Explaining the CASA volunteer's role, duties, and responsibilities to all parties associated with a case;~~
- ~~(G) Communicating the child's needs to the court in written reports and recommendations;~~
- ~~(H) Ensuring that the court approved plans for the child are being implemented;~~
- ~~(I) Investigating the interests of the child in judicial or administrative proceedings outside of juvenile court;~~
- ~~(J) Communicating and coordinating efforts with the child's social worker, probation officer, and attorney; and~~
- ~~(K) Other duties and responsibilities as determined by the presiding juvenile court judge or a designee.~~

*(Subd (f) amended and relettered effective January 1, 2005; adopted as subd (e) effective July 1, 1994; previously amended effective January 1, 1995.)*



**(g) [Prohibited activities]** A CASA program must develop and adopt a written description of activities that are prohibited for CASA volunteers. The specified prohibited activities must include:

- (1) Taking a child to the CASA volunteer's home;
- (2) Giving legal advice or therapeutic counseling;
- (3) Giving money or expensive gifts to the child or family;
- (4) Being related to any parties involved in a case or being employed in a position and/or agency that might result in a conflict of interest; and
- (5) Any other activities prohibited by the local juvenile court.

*(Subd (g) adopted effective January 1, 2005.)*

**(f) (h) [The appointment of CASA volunteers]** ~~(1) The presiding juvenile court judge and The CASA program director shall~~ must develop, with the approval of the presiding juvenile court judge, a written procedure for the selection of cases and the appointment of CASA volunteers for children in juvenile court proceedings. The procedure should recognize the fact that volunteers will not be available for all children, and should include criteria for determining those types of cases and children most likely to benefit from the appointment of an advocate. If volunteer resources are limited, preference in assignment should be given to children in dependency proceedings.

~~(2) The court may appoint a CASA volunteer at any time during dependency proceedings. In the event that appointment is made prior to the establishment of jurisdiction, the court order shall specify that the duties of the child's advocate are limited to supporting the child and advocating for needed services. The court shall admonish the child's advocate not to investigate jurisdictional issues. In making prejurisdictional appointments, the courts and CASA programs are encouraged to follow the early assignment protocol developed by the California CASA Association.~~

~~(3) The court may appoint a CASA volunteer at any time following a declaration of wardship at a disposition hearing in wardship proceedings.~~

~~(4) In developing the criteria for selection of cases and assignment of a volunteer, the CASA program shall consider the complexity of the case;~~

~~the availability of alternative support persons in the child's life; the age and sex of the child or children; the cultural, ethnic, linguistic, religious, and other background characteristics (including any disabilities) of the child and family; the potential assistance a volunteer could provide; the availability of a particular volunteer to meet the specific needs of the child; and such other factors as the CASA program may deem relevant to the assignment of the most effective CASA volunteer for the case.~~

- ~~(5) The procedure shall ensure that a qualified volunteer is assigned to a case as early as possible after a court referral is made.~~
- ~~(6) The procedure shall ensure that no conflict of interest exists with respect to the CASA volunteer and any other party or interest associated with the case.~~
- ~~(7) The procedure shall ensure that all appointments and assignments are made by an appropriate order of the court, and that, whenever possible, the order for appointment shall contain specific duties of the volunteer and the reasons for the appointment; that all appointments and assignments are acknowledged in writing; and that all persons entitled to notice of the hearings are notified of the appointment of the CASA program and of their opportunity to petition the court for a hearing on the matter. The advocate may request the court at any time for a clarification of CASA duties on a specific case.~~
- ~~(8) The procedure shall ensure that as soon as feasible after the appointment or assignment of a CASA volunteer, he or she obtains access to appropriate case materials, including the court file, the appointment order, the assignment letter, and such other documents as may be necessary to effectively present and promote the child's or children's best interests. Likewise, the CASA volunteer shall receive immediate guidance from CASA program staff in developing a plan of action for undertaking the duties and responsibilities of a CASA volunteer.~~

*(Subd (h) amended and relettered effective January 1, 2005; adopted as subd (f) effective July 1, 1994; previously amended effective January 1, 1995.)*

- ~~(g)~~ **(i) [Oversight, support, and supervision of CASA volunteers]** ~~(4)~~ **(1)** A CASA program shall must adopt and adhere to a written plan, approved by the presiding juvenile court judge, for the oversight, support, and supervision of CASA volunteers in the performance of their duties. The following considerations are essential to the effective oversight and supervision of CASA volunteers: The plan must:

- ~~(A) Case supervisors and other CASA program staff shall be persons with substantial knowledge, training, and experience regarding the CASA concept and the curriculum the volunteers have been trained in, and be competent to provide the necessary supervision, support, and evaluation services to CASA volunteers in the exercise of their duties;~~
- ~~(B) The written oversight, support, and supervision plan shall be designed and implemented to ensure that the CASA program staff can readily determine the status of a case assigned to a CASA volunteer; assess the needs of the volunteer for support with respect to any aspect of the case; evaluate the performance of the volunteer in presenting and promoting the best interests of the child; and provide whatever support or other intervention as may be appropriate to the circumstances of the particular case;~~
- ~~(C) The written oversight, support, and supervision plan shall include an accurate case assignment record; an up-to-date calendar; a monthly case log system; and regularly scheduled case conferences during which the CASA volunteer meets personally with a CASA program staff person to review the progress, status, and prospective activities of the case(s) to which the volunteer is assigned. Case conferences should occur at least every 60 days and should be conducted with reference to the case file and a checklist or protocol adopted by the CASA program for this purpose. The checklist and a brief written record of the case review should be preserved in the case file;~~
- ~~(D) The plan shall ensure that CASA volunteers have ready access to CASA program staff for support, assistance, and direction. For emergency situations, the written plan should contain some provision for 24-hour coverage whether by the CASA program itself or through a local crisis hot line or other mechanism;~~
- ~~(E) The plan should ensure that CASA volunteers have ready access to an attorney knowledgeable in juvenile court law provided by the CASA program, whether retained or pro bono, for advice and direction on nonroutine legal issues that may arise in the course of duty. Access to such counsel should be regulated by CASA program staff;~~
- ~~(F) The plan shall include an annual evaluation procedure to confirm the continuing qualification of the CASA volunteer. This procedure~~

~~should include analysis of case files and the case review records; the volunteer's record with respect to ongoing training and continuing education; inquiries to the juvenile court officers in whose courts the volunteer has received assignments; follow-up security checks if warranted; and such other information as may have come to the attention of CASA program staff. A written record of the evaluation shall be maintained in the volunteer's file;~~

~~(G) The plan shall include a procedure for reviewing grievances by the volunteer or by any party brought against the volunteer; and~~

~~(H) The plan shall ensure that the presiding juvenile court judge, and other juvenile court judges and referees, have open and regular channels of communication to the CASA program director and ready access to information regarding the status of CASA cases and activities.~~

(1) Include a grievance procedure that covers grievances by any person against a volunteer or CASA program staff and grievances by a volunteer against a CASA program or program staff. The grievance procedure must:

(A) Be incorporated into a document that contains a description of the roles and responsibilities of CASA volunteers. This document must be provided:

(i) When a copy of the court order that appointed the CASA volunteer is provided to any adult involved with the child's case, including but not limited to teachers, foster parents, therapists, and health-care workers, and

(ii) To any person, including a volunteer, who has a grievance against a volunteer or a CASA program employee.

(B) Include a provision that documentation of any grievance filed by or against a volunteer must be retained in the volunteer's personnel file.

(2) A CASA program shall adopt and adhere to a written plan Include a provision for the ongoing training and continuing education of CASA volunteers. The following considerations are essential to the effective ongoing training and continuing education of CASA volunteers: Ongoing training opportunities must be provided at least monthly under Welfare and Institutions Code section 103(a). CASA volunteers must participate in a minimum of 12 hours of continuing education in each year of service.

- ~~(A) Ongoing training shall be designed and presented to maintain and improve the level of CASA volunteer knowledge and skill and to keep volunteers up-to-date on changes in law, local court procedure, the practices of other involved agencies including the local child welfare agency, CASA program policies, and developments in the fields of child development, child abuse, and child advocacy;~~
- ~~(B) Ongoing training opportunities should be provided at least monthly if possible and CASA volunteers shall participate in at least 10 hours of continuing education in each year of service;~~
- ~~(C) Ongoing training may be provided directly by the CASA program, in cooperation with another agency or agencies, including the local child welfare agency, or through an outside agency if the substance and quality of the training opportunity and its suitability for the continuing education of CASA volunteers has been approved by the CASA program. Site and field visits to agencies and institutions relevant to the work of a CASA volunteer should be included as a part of ongoing training;~~
- ~~(D) The program should consider having available resource persons in such areas as education, mental health, and medicine for consultation on an as-needed basis; and~~
- ~~(E) Trainers, consultants, and faculty of ongoing training and continuing education should be persons with substantial knowledge, training, and experience in the subject matter they present and should be competent in the provision of technical training to persons serving as CASA volunteers.~~

*(Subd (i) amended and relettered effective January 1, 2005; adopted as subd (g) effective July 1, 1994; previously amended effective January 1, 1995.)*

**~~(h)~~ (j) [Removal, resignation, and termination of a CASA volunteer]** The CASA program shall must adopt a written plan for the removal, resignation, or involuntary termination of a CASA volunteer, including the following provisions:

- (1) A volunteer may resign or be removed from an individual case at any time by the order of the juvenile court presiding judge or a his or her designee.

~~(2) A volunteer may resign from the program by submitting a written notice to the director of the program.~~

~~(3) (2) A volunteer may be involuntarily terminated from the program by the court upon written application to the court by the program director. The court should determine by local court rule the procedure for acting on the application, including the procedure for filing a grievance.~~

(3) The volunteer has the right to appeal termination by the program director under the program's grievance procedure.

*(Subd (j) amended and relettered effective January 1, 2005; adopted as subd (h) effective July 1, 1994; previously amended effective January 1, 1995.)*

**(i) (k) [CASA program administration and management]** ~~(4) A CASA program shall~~ must adopt and adhere to a written plan for effective and efficient program governance and evaluation. ~~The following considerations are essential to the effective governance of a CASA program: that includes the following as applicable:~~

~~(A) (1) The governance plan shall be designed to best serve the underlying principles of the CASA concept. The plan shall include, if applicable, Articles of incorporation, by laws bylaws, and a board of directors. Any CASA program that functions under the auspices of a public agency or private entity shall must specify in its plan a clear administrative relationship with the parent organization and clearly delineated delegations of authority and accountability. No CASA program may function under the auspices of a probation department or department of social services. Any CASA program that is functioning under the auspices of a probation department or department of social services on the effective date of this rule must comply with this subdivision by July 1, 2001. The CASA program director of a program that functions under the auspices of a public agency or a private entity shall appoint an active advisory council to: CASA programs may receive funds from probation departments, local child welfare agencies, and the California Department of Social Services if:~~

~~(i) Support the CASA program in its relations with the court and the community;~~

~~(ii) Assist in the development of resources; and~~

~~(iii) Provide advice and recommendations to the CASA program with regard to program goals and policies.~~

(A) The CASA program and the contributing agency develop a memorandum of understanding (MOU) or contract stating that the funds will be used only for general operating expenses as determined by the receiving CASA program, and the contributing agency will not oversee or monitor the funds;

(B) A procedure resolving any conflict between the CASA program and contributing agency is implemented so that conflict between the two agencies does not affect funding or the CASA program's ability to retain an independent evaluation separate from that of the contributing agency's; and

(C) Any MOU or contract between a CASA program and the contributing agency is submitted to and approved by AOC staff.

~~(B) (2) The governance plan shall include~~ A clear statement of the purpose or mission of the CASA program and express goals and objectives calculated to further its that purposes;. Where the CASA program is not an independent nonprofit organization, but instead functions under the auspices of a public agency or a private entity, an active advisory council must be established. The advisory council for CASA programs functioning under the auspices of a public agency or a private entity will not function as the governing body of the CASA program. The board of directors for the private entity or the public agency management will function as the governing body for the CASA program, with guidance from the advisory council.

~~(C) (3) The governance plan shall include~~ A procedure for the recruitment, selection, and hiring, and evaluation of an highly competent chief executive officer director for the CASA program. Clear lines of authority among the presiding judge of the juvenile court, the governing body, and the chief executive officer should be drawn; the chief executive officer's duties and responsibilities should be delineated; and a mechanism for regular evaluation should be specified in an employment agreement; and

~~(D) The governance plan shall include a mechanism for a regular evaluation of program effectiveness and reevaluation of its goals and objectives.~~

- ~~(2) A CASA program shall adopt and adhere to a written plan for effective and efficient program operations.~~
- ~~(A) The operations plan shall include an organizational chart with clear lines of authority to a governing body or official and to the presiding juvenile court judge, as applicable; and~~
- ~~(B) The plan should include preparation and maintenance of a program manual containing the policies and procedures indicated by these guidelines; initial and ongoing training materials; and such additional material as the CASA program may deem appropriate to the effective performance of its program functions. This manual should be made available to the CASA volunteers and serve as their key reference source in undertaking and performing their duties.~~
- ~~(3) (4) A CASA program shall adopt and adhere to a written plan for effective and efficient program management. The management plan should include An administrative manual containing personnel policies, record-keeping practices, and data collection practices, and other internal systems for ensuring high quality administrative support for staff, CASA volunteers, juvenile court personnel, allied agencies, and others who collaborate in the work of the CASA program.~~
- ~~(4) A CASA program shall adopt and adhere to a written plan for effective and efficient fiscal control.~~
- ~~(A) The fiscal plan should include budgetary projections and a strategy for obtaining necessary funding to finance program operations;~~
- ~~(B) The fiscal plan should include policies and procedures, as applicable, to ensure the integrity and effective and economical use of funds appropriated, allocated, or donated in furtherance of the program's purposes; and~~
- ~~(C) The fiscal plan should include, if applicable, an annual audit or fiscal review conducted by a qualified professional consistent with generally accepted accounting principles.~~
- (5) Local juvenile court rules developed in conjunction consultation with the presiding judge of the juvenile court or his or her designee, each CASA program should develop local juvenile court rules pertaining to the CASA program, as specified in Welfare and Institutions Code section 100. One



local rule must specify when CASA reports are to be submitted to the court, who is entitled to receive a copy of the report, and who will copy and distribute the report. This rule must also specify that the CASA court report must be distributed to the persons entitled to receive it at least two court days before the hearing for which the report was prepared. Those rules may include:

- ~~(A) Definition of the role of a CASA volunteer in juvenile court proceedings;~~
- ~~(B) Types of cases on which a CASA volunteer will be appointed;~~
- ~~(C) Range of activities that can be undertaken by a CASA volunteer;~~
- ~~(D) Point of time in proceedings when a CASA volunteer will be appointed;~~
- ~~(E) Definition of the relationship among operational participants, including, but not limited to, the court, the child welfare agency, mental health professionals, attorneys, and CASA volunteers and staff;~~
- ~~(F) Provision for open and regular channels of communication between the CASA program director/staff and the presiding juvenile court judge, other judges and referees in the juvenile court, child welfare system officials, and officials from other participating agencies; and~~
- ~~(G) Access to confidential personnel and CASA case records.~~

*(Subd (k) amended and relettered effective January 1, 2005; adopted as subd (i) effective July 1, 1994; previously amended effective January 1, 1995, and January 1, 2000.)*

**(I) [Finance, facility, and risk management]**

- (1) A CASA program must adopt a written plan for fiscal control. The fiscal plan must include an annual audit, conducted by a qualified professional, that is consistent with generally accepted accounting principles and the audit protocols in the program's contract with the Administrative Office of the Courts.
- (2) The fiscal plan must include a written budget with projections that guide the management of financial resources and a strategy for obtaining necessary funding for program operations.

- (3) When the program has accounting oversight, it must adhere to written operational procedures in regard to accounting control.
- (4) The CASA program's board of directors must set policies for and exercise control over fundraising activities carried out by its employees and volunteers.
- (5) The CASA program must have the following insurance coverage for its staff and volunteers:
  - (A) General liability insurance with limits of liability of not less than \$1 million (\$1,000,000) for each person per occurrence/aggregate for bodily injury and not less than \$1 million (\$1,000,000) per occurrence/aggregate for property damage;
  - (B) Nonowned automobile liability insurance and hired vehicle coverage with limits of liability of not less than \$1 million (\$1,000,000) combined single limit per occurrence and in the aggregate;
  - (C) Automobile liability insurance meeting the minimum state automobile liability insurance requirements, if the program owns a vehicle; and
  - (D) Workers' compensation insurance with a minimum limit of \$500,000.
- (6) The CASA program must require staff, volunteers, and members of the governing body, when applicable, to immediately notify the CASA program of any criminal charges against themselves.
- (7) The nonprofit CASA program must plan for the disposition of property and confidential records in the event of its dissolution.

*(Subd (1) adopted effective January 1, 2005.)*

- (j) (m) [Confidentiality]** The presiding juvenile court judge and the CASA program director ~~shall~~ must adopt a written plan governing confidentiality of case information, case records, and personnel records. The written plan ~~shall~~ must include the following provisions that:

- (1) All information concerning children and families in the juvenile court process is confidential. Volunteers ~~shall~~ must not give case information to anyone other than the court parties, their attorneys, and CASA staff;.
- (2) CASA volunteers are required by law (Pen. Code, § 11166 et seq.) to report any reasonable suspicion that a child is a victim of child abuse or serious neglect as described by Penal Code section 273;.
- (3) The child's original case file ~~shall~~ must be maintained in the CASA office by a custodian of records and must remain there. Copies of documents needed by a volunteer must be restricted to those actually needed to conduct necessary business outside of the office. No one ~~shall~~ may have access to ~~that~~ the child's original case file except upon the approval of the CASA program director or the presiding judge of the juvenile court. Controls must be in place to ensure that records can be located at any time. The office ~~shall~~ must establish a written procedure for the maintenance ~~and destruction~~ of case files; ~~and.~~
- (4) The volunteer's personnel file is confidential. No one ~~shall~~ may have access to the personnel file except the volunteer, the CASA program director or his or her designee, or the presiding judge of the juvenile court. ~~Local court rules should determine standards and procedures for access by other parties, including the process by which such documents can be subpoenaed.~~

*(Subd (m) amended and relettered effective January 1, 2005; adopted as subd (j) effective July 1, 1994; previously amended effective January 1, 1995.)*

**~~(k)~~ [Reports; service]**

- ~~(1) Each court that has a CASA program shall adopt a local rule, effective on or before January 1, 2002, specifying when CASA reports are to be submitted to the court, who is entitled to receive a copy of the report, and who shall copy and distribute the report.~~
- ~~(2) At least two court days before the hearing, the report shall be distributed to the persons entitled to receive it.~~

*(Subd (k) repealed effective January 1, 2005; adopted effective January 1, 2001.)*

*Rule 1424 amended effective January 1, 2005; adopted effective July 1, 1994; previously amended effective January 1, 1995, January 1, 2000, and January 1, 2001.*

**Rule 1438. Attorneys for parties (§§ 317, 317.6)**

(a)–(b) \*\*\*

(c) **[Competent counsel]** Every party in a dependency proceeding who is represented by an attorney is entitled to competent counsel.

(1)–(4) \*\*\*

(5) *(Attorney contact information)* The attorney for a dependent child must provide his or her contact information to the child’s caregiver no later than 10 days after receipt of the name, address, and telephone number of the child’s caregiver. If the child is 10 years of age or older, the attorney must also provide his or her contact information to the dependent child no later than 10 days after receipt of the caregiver’s contact information. The attorney may give contact information to a dependent child who is under 10 years of age.

~~(5)~~(6) *(Caseloads for children’s attorneys)* The attorney for a child must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code section 317(e) and this rule and to otherwise adequately counsel and represent the child. To enhance the quality of representation afforded to children, attorneys appointed under this rule must not maintain a maximum full-time caseload that is greater than that which allows them to meet the requirements set forth in (3), ~~and (4), and (5).~~

*(Subd (c) amended effective January 1, 2005; adopted effective January 1, 1996, as subd (b); previously amended effective July 1, 1999; amended and relettered effective July 1, 2001.)*

(d)–(f) \*\*\*

*Rule 1438 amended effective January 1, 2005; adopted effective January 1, 1996; previously amended effective July 1, 1999, July 1, 2001, and January 1, 2003.*

## **Rule 1439. Indian Child Welfare Act (25 U.S.C. § 1901 et seq.)**

(a) **[Definitions; 25 U.S.C. § 1903]** As used in this rule, unless the context or subject matter otherwise requires:

(1)–(2) \*\*\*

(3) “Indian custodian” means any Indian person who has:

- (A) legal custody of an Indian child under tribal law or custom, or under state law; or
- (B) temporary physical care, custody, and control of an Indian child whose parent or parents have transferred custody to that person.
- (4) “Parent of an Indian child” means the biological parent of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. (This definition does not include a non-Indian adoptive parent, or an unwed alleged father where paternity has not been determined or acknowledged.)
- (5) \*\*\*
- (6) “Indian tribe” means any ~~Indian~~ tribe, band, nation, or other organized group or community of Indians eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan Native Villages as defined by section 1602(c) of title 43 of the United States Code.
- (7)–(8) \*\*\*
- (9) “Foster care placement” means any temporary placement from which a child may not be removed by the parent or Indian custodian upon demand, including a shelter care home, a foster home, or an institution, or the home of a guardian or conservator.

(10)–(12) \*\*\*

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Applicability of rule; 25 U.S.C. §§ 1911, 1912]** This rule applies to all proceedings under section 300 et seq. and to proceedings under section 601 and section 602 et seq. in which the child is at risk of entering foster care or is in foster care, including detention hearings, jurisdiction hearings, disposition hearings, reviews, hearings under section 366.26, and subsequent hearings affecting the status of the Indian child.

*(Subd (b) amended effective January 1, 2005; previously amended effective January 1, 1997.)*

- (c) **[Jurisdiction; 25 U.S.C. § 1911]**

- (1) If the Indian child resides or is domiciled on an Indian reservation that exercises exclusive jurisdiction under the act over child custody proceedings, the petition under section 300 must be dismissed. ~~At present, no California tribe is authorized under the Act to exercise exclusive jurisdiction.~~
- (A) If the Indian child is temporarily off a reservation that exercises exclusive jurisdiction, the juvenile court ~~shall~~ must exercise temporary jurisdiction if there is an immediate threat of serious physical harm to the child.
- (B) Absent extraordinary circumstances, temporary emergency custody ~~shall~~ must terminate within 90 days, unless the court determines by clear and convincing evidence, including the testimony of at least one qualified expert witness, that return of the child is likely to cause serious damage to the child.
- (C) The child ~~shall~~ must be returned immediately to the parent or Indian custodian when the emergency placement is no longer necessary to prevent serious harm to the child.
- (2) If the Indian child is not domiciled or residing on a reservation that exercises exclusive jurisdiction, the tribe, parent, or Indian custodian may petition the court to transfer the proceedings to the tribal jurisdiction, and the juvenile court ~~shall~~ must transfer ~~jurisdiction~~ the proceedings to tribal jurisdiction unless there is good cause not to do so.
- (A) Either parent may object to the transfer.
- (B) The tribe may decline the transfer of ~~jurisdiction~~ the proceedings.
- (3) If the tribe does not intervene or the tribal court does not request transfer to tribal jurisdiction, ~~or if there is no response to the notice,~~ the court should proceed to exercise its jurisdiction regarding the Indian child under section 300 et seq., in accordance with the procedures and standards of proof as required by both juvenile court law and the act.

*(Subd (c) amended effective January 1, 2005; previously amended effective January 1, 1997.)*

- (d) **[Inquiry]** The court, ~~and~~ the county welfare department, and the probation department have an affirmative and continuing duty to inquire whether a child for whom a petition under section 300, 601, or 602 is to be, or has been, filed is or may be an Indian child.

- (1) In juvenile wardship proceedings, if the probation officer believes that the child is at risk of entering foster care or is in foster care, he or she must ask the child, if the child is old enough, and the parents or legal guardians whether the child may be an Indian child or may have Indian ancestors.
- ~~(1)~~(2) In dependency cases, the social worker must ask the child, if the child is old enough, and the parents or legal guardians whether the child may be an Indian child or may have Indian ancestors. Section 1(l) or 1(m) of the *Juvenile Dependency Petition (Version One)* (JV-100) or section 1(i) or 1(j) of the *Juvenile Dependency Petition (Version Two)* (JV-110) must be checked if there is reason to know the child may be a member of or eligible for membership in a federally recognized Indian tribe or if there is reason to believe the child may be of Indian ancestry.
- (3) At the first appearance by a parent or guardian in any dependency case, or in juvenile wardship proceedings in which the child is at risk of entering foster care or is in foster care, the parent or guardian must be ordered to complete form JV-130, *Parental Notification of Indian Status*.
- ~~(2)~~(4) The circumstances that may provide probable cause for the court to believe the child is an Indian child include, but are not limited to, the following:
- (A) A ~~party~~ person having an interest in the child, including the child, an Indian tribe, an Indian organization, an officer of the court, or a public or private agency, informs the court or the county welfare agency or the probation department or provides information suggesting that the child is an Indian child;
  - (B) The residence of the child, the child's parents, or an Indian custodian is in a predominantly Indian community; or
  - (C) The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service.

(Subd (d) amended effective January 1, 2005; previously amended effective January 1, 1999.)

(e) **[Proceedings; 25 U.S.C. § 1912 Petition]**

- (1) Section 1(l) or 1(m) on either the initial or an amended *Juvenile Dependency Petition (Version One)* (JV-100) or section 1(i) or 1(j) of the initial or an amended *Juvenile Dependency Petition (Version Two)* (JV-110) must be checked if the county welfare department knows or has reason to know that the child may be a member of or eligible for membership in a federally recognized Indian tribe or if there is reason to believe the child may be of Indian ancestry, as appropriate.
- (2) Section 1(m) or 1(n) on either the initial or an amended *Juvenile Wardship Petition* (JV-600) must be checked if the county probation department knows or has reason to know that the child may be a member of or eligible for membership in a federally recognized Indian tribe or if there is reason to believe the child may be of Indian ancestry, as appropriate.
- (3) If section 1(l) of the *Juvenile Dependency Petition (Version One)* (JV-100) or section 1(i) of the *Juvenile Dependency Petition (Version Two)* (JV-110) or section 1(m) of the *Juvenile Wardship Petition* (JV-600) is checked, or if, upon inquiry, or based on other information, the court has reason to know the child may be an Indian child, the court ~~shall~~ must proceed as if the child ~~is~~ were an Indian child and ~~shall~~ must proceed with all dependency and wardship hearings, observing the Welfare and Institutions Code timelines while complying with the act and this rule.
- (A) A determination by the identified tribe or tribes or the Bureau of Indian Affairs (BIA) that the child is or is not an Indian child, ~~shall~~ be is definitive.
- (B) If no particular tribe can be reasonably identified, a determination by the Bureau of Indian Affairs (BIA) that the child is not an Indian child is definitive.
- (4) If section 1(m) of the *Juvenile Dependency Petition (Version One)* (JV-100) is checked and section 1(l) is not, or section 1(j) of the *Juvenile Dependency Petition (Version Two)* (JV-110) is checked and section 1(i) is not, or if section 1(n) of the *Juvenile Wardship Petition* (JV-600) is checked and section 1(m) is not, notice of the proceedings to the Bureau of Indian Affairs and further inquiry regarding the possible Indian status of the child are the only requirements.

(Subd (e) amended effective January 1, 2005; adopted effective January 1, 1997; previously amended effective January 1, 1999.)



(f) **[Notice; 25 U.S.C. § 1912]** The parent or legal guardian and Indian custodian of an Indian child, and the Indian child's tribe, must be notified of the pending petition and the right of the tribe to intervene in the proceedings, and proof of such notice, including copies of notices sent and all return receipts and responses received, must be filed with the juvenile court. If at any time after the filing of the petition the court knows or has reason to know that the child is or may be an Indian child, the following notice procedures must be followed:

- (1) Notice of Involuntary Child Custody Proceedings for an Indian Child, (Juvenile Court) (JV-135) must be sent, with a copy of the petition, by registered or certified mail with return receipt requested, and additional notice by first class mail is recommended.
- (2) Notice to the tribe ~~shall~~ must be to the tribal chairman ~~or person~~ unless the tribe has designated another agent for service.
- (3) Notice ~~shall~~ must be sent to all tribes of which the child may be a member or may be eligible for membership.
- (4) If the identity or location of the parent or Indian custodian or the tribe cannot be determined, notice ~~shall~~ must be sent to the specified office of the Secretary of the Interior, which has 15 days to provide notice as required.
- (5) Notice ~~shall~~ must be sent whenever there is reason to believe the child may be an Indian child, and for every hearing thereafter unless and until it is determined that the ~~child is not an Indian child~~ act does not apply to the case.
- (6) If, after a reasonable time following the sending of notice under this rule—but in no event less than 60 days—no determinative response to the notice is received, the court may determine that the act does not apply to the case unless further evidence of the applicability of the act is later received.
- (7) If an Indian child's tribe has exercised its right of intervention in the proceedings after receiving form JV-135, subsequent notices may be sent in the form provided to all other parties. All other provisions of this section continue to apply.

*(Subd (f) amended effective January 1, 2005; adopted effective January 1, 1995, as subd (e); relettered effective January 1, 1997.)*

**(g)–(k) \*\*\***

**(l) [Reasonable Active efforts; 25 U.S.C. § 1912]** In addition to the findings required under section 361, in order to place an Indian child out of the custody of a parent or Indian custodian, or to issue orders under section 366.26, the court must find that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and that these efforts were unsuccessful.

- (1) The court shall consider the prevailing social and cultural conditions of the Indian child's tribe.
- (2) Efforts to provide services shall include attempts to utilize the available resources of extended family members, the tribe, Indian social service agencies, and individual Indian caregivers.

*(Subd (l) amended effective January 1, 2005; adopted effective January 1, 1995, as subd (j); amended and relettered effective January 1, 1997.)*

**(m)–(p) \*\*\***

*Rule 1439 amended effective January 1, 2005; adopted effective January 1, 1995; previously amended effective January 1, 1997, January 1, 1999, and January 1, 2001.*

#### **Advisory Committee Comment (2005)**

As of January 1, 2004, only the Washoe Tribe of Nevada and California is authorized under the act to exercise exclusive jurisdiction. An updated list of tribes authorized to exercise exclusive jurisdiction can be found on the Web site of the Administrative Office of the Courts, Center for Families, Children & the Courts at [www.courtinfo.ca.gov/programs/cfcc](http://www.courtinfo.ca.gov/programs/cfcc).

#### **Rule 1449. Commencement of jurisdiction hearing—advice of trial rights; admission; no contest; submission**

**(a) [Petition read and explained (§ 353)]** At the beginning of the jurisdiction hearing, the petition ~~shall~~ must be read to those present. On request of the child or the parent, guardian, or adult relative, the court ~~shall~~ must explain the meaning and contents of the petition and the nature of the hearing, its procedures, and the possible consequences.

*(Subd (a) amended effective January 1, 2005.)*

(b) **[Rights explained (§§ 341, 353, 361.1)]** After giving the advice required by rule 1412, the court ~~shall~~ must advise the parent or guardian of the following rights:

- (1) The right to a hearing by the court on the issues raised by the petition;
- (2) The right to assert the privilege against self-incrimination;
- (3) The right to confront and to cross-examine all witnesses called to testify against the parent or guardian;
- (4) The right to use the process of the court to compel attendance of witnesses on behalf of the parent or guardian; and
- (5) The right, if the child has been removed, to have the child returned to the parent or guardian within two working days after a finding by the court that the child does not come within the jurisdiction of the juvenile court under Welfare and Institutions Code section 300, unless the parent or guardian and the child welfare agency agree that the child will be released on a later date.

*(Subd (b) amended effective January 1, 2005.)*

(c)–(g) \*\*\*

*Rule 1449 amended effective January 1, 2005; adopted effective January 1, 1991.*

## **Rule 1450. Contested hearing on petition**

(a)–(g) \*\*\*

(h) **[Findings of court—allegations not proved (§§ 356, 361.1)]** If the court determines that the allegations of the petition have not been proved by a preponderance of the evidence, the court ~~shall~~ must dismiss the petition, and terminate any detention orders relating to the petition, ~~and~~. The court must order that the child be returned to the physical custody of the parent or guardian immediately but, in any event, not more than two working days following the date of that finding, unless the parent or guardian and the agency with custody of the child agree to a later date for the child's release. The court must make the following findings, noted in the order of the court:

- (1) Notice has been given as required by law;

- (2) The birthdate and county of residence of the child;
- (3) The allegations of the petition are not proved.

*(Subd (h) amended effective January 1, 2005; previously amended effective July 1, 1997.)*

*Rule 1450 amended effective January 1, 2005; adopted effective January 1, 1991; previously amended effective July 1, 1997.*

## **Rule 1460. Six-month review hearing**

**(a)–(b)      \*\*\***

**(c) [Report (§§ 366.1, 366.21)]** Before the hearing, petitioner must investigate and file a report describing the services offered the family and progress made and, if relevant, the prognosis for return of the child to the parent or guardian.

(1) The report must contain:

(A) Recommendations for court orders and the reasons for those recommendations; ~~and~~

(B) A description of the efforts made to achieve legal permanence for the child if reunification efforts fail; and

(C) A factual discussion of each item listed in section 366.1.

(2) At least 10 calendar days before the hearing, the petitioner must file the report, provide copies to the parent or guardian and ~~their~~ his or her counsel and to counsel for the child, and provide a summary of the recommendations to the present custodians of the child and to any ~~court-appointed child advocate~~ Court Appointed Special Advocate (CASA) volunteer.

*(Subd (c) amended effective January 1, 2005; previously amended effective January 1, 2000, and July 1, 2002.)*

**(d) [Reports]** The court must consider the report prepared by petitioner, ~~and the report of any court-appointed child advocate~~ Court Appointed Special Advocate (CASA) volunteer, and any report submitted by the child's caregiver pursuant to section 366.21(d).

*(Subd (d) amended effective January 1, 2005; adopted effective January 1, 1992; previously amended effective July 1, 2002.)*

**(e) [Determinations—burden of proof (§§ 366, 366.1, 366.21, 364)]**

(1) \*\*\*

(2) If the child has been removed from the custody of the parents or guardians, the court must order the child returned unless the court finds that petitioner has established by a preponderance of the evidence that return would create a substantial risk of detriment to the child. If the child has been removed from the custody of the parents or guardians, the court must consider whether reasonable services have been provided or offered. If the child is returned, the court may order the termination of dependency or order continued dependency services and set a review hearing within six months.

(A) The court must find that:

(i) Reasonable services have been offered or provided; or

(ii) Reasonable services have not been offered or provided.

(B) \*\*\*

(C) The court must enter additional findings as required by section 366(a)(1) and (2).

(3)–(5) \*\*\*

*(Subd (e) amended effective January 1, 2005; repealed and adopted as subd (d) effective January 1, 1990; relettered effective January 1, 1992; previously amended effective January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2002, and January 1, 2004.)*

**(f) [Conduct of hearing (§ 366.21)]** If the court does not return custody of the child,

(1) The court may set a hearing under section 366.26 within 120 days if:

(A)–(E) \*\*\*

(2) If the court orders a hearing under section 366.26;

(A) The court must direct that an assessment under section 366.21(i) be prepared;

- (B) The court must order the termination of reunification services to the parent or legal guardian;
- (C) The court must continue to permit the parent or legal guardian to visit the child, unless it finds that visitation would be detrimental to the child; and
- (D) The court must make any other appropriate orders to enable the child to maintain relationships with other individuals who are important to the child, consistent with the child's best interest.

(3)–(10) \*\*\*

- (11) If the child is not returned and the court does not set a section 366.26 hearing, then the court must order that any reunification services previously ordered will continue to be offered to the parent or guardian, and the court may modify those services as appropriate. The court must set a date for the next review hearing no later than 12 months from the date the child entered foster care.

*(Subd (f) amended effective January 1, 2005; repealed and adopted as subd (e) effective January 1, 1990; previously amended and relettered effective January 1, 1992; previously amended effective January 1, 1993, January 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2000, January 1, 2001, July 1, 2002, and January 1, 2004.)*

**(g)–(i) \*\*\***

*Rule 1460 amended effective January 1, 2005; adopted effective January 1, 1990; previously amended effective January 1, 1992, January 1, 1993, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2000, January 1, 2001, July 1, 2002, and January 1, 2004.*

## **Rule 1461. Twelve-month review hearing**

**(a) \*\*\***

- (b) **[Reports (§§ 366.1, 366.21)]** Before the hearing the petitioner must prepare a report describing services offered to the family and progress made. The report must include:

- (1) Recommendations for court orders and the reasons for those recommendations, ~~and;~~

- (2) A description of the efforts made to achieve legal permanence for the child if reunification efforts fail; and

- (3) A factual discussion of each item listed in section 366.1.

*(Subd (b) amended effective January 1, 2005; adopted as subd (c) effective January 1, 2000; relettered effective January 1, 2001; previously amended effective January 1, 2004.)*

*(Former subd (b) repealed effective January 1, 2001; repealed and adopted as subd (c)(1) effective January 1, 1990; previously amended effective January 1, 1992, January 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, July 1, 1997, and January 1, 1999; amended and relettered effective July 1, 1999.)*

- (c) **[Conduct of hearing]** At the hearing, the court must state on the record that the court has read and considered the report of petitioner, the report of any ~~Court Appointed~~ Court Appointed Special Advocate (CASA) volunteer, any report submitted by the child's caregiver pursuant to section 366.21(d), and any other evidence, and must proceed as follows:

- (1)–(6) \*\*\*

*(Subd (c) amended effective January 1, 2005; repealed and adopted as subd (c)(2) effective January 1, 1990; previously amended effective January 1, 1992, January 1, 1993, January 1, 1995, July 1, 1995, July 1, 1997, and January 1, 1999; amended and relettered as subd (c) effective July 1, 1999, as subd (d) effective January 1, 2002, and as subd (c) effective January 1, 2001; amended effective January 1, 2004.*

- (d) **[Determinations and orders]** The court must proceed as follows:

- (1) Continue the case for review hearing to a date not later than 18 months from the date of the initial removal; if the court finds that there is a substantial probability of return within that time or that reasonable services have not been offered or provided. If the court continues the case for an 18-month review hearing, the court must inform the parent or guardian that if the child cannot be returned home by the next hearing, a proceeding under section 366.26 may be instituted; or
- (2) Order that the child remain in ~~long-term~~ foster care; if it finds by clear and convincing evidence already presented that a 366.26 hearing is not in the best interest of the child because the child is not adoptable not a proper subject for adoption and there is has no one willing to serve as guardian accept legal guardianship. If the court orders that the child remain in foster care, it must identify the foster care setting by name and identify a specific permanency goal for the child. The court may order

that the name and address of the foster home remain confidential. If the child is 10 years of age or older and is placed in a group home, the court:

(A) Must determine whether the agency has identified individuals, in addition to the child's siblings, who are important to the child and will maintain caring, permanent relationships with the child, consistent with the child's best interest;

(B) Must determine whether the agency has made reasonable efforts to nurture and maintain the child's relationships with those individuals, consistent with the child's best interest; and

(C) May make any appropriate order to ensure that those relationships are maintained; or

(3) Order a hearing under section 366.26 within 120 days, if the court finds there is no substantial probability of return within 18 months of the date of initial removal and finds by clear and convincing evidence that reasonable services have been provided to the parent or guardian.

~~(4)~~(A) If the court orders a hearing under section 366.26, termination of reunification services must also be ordered. Visitation ~~may~~ must continue unless the court finds it would be detrimental to the child. The court must enter any other appropriate orders to enable the child to maintain relationships with other individuals who are important to the child, consistent with the child's best interest.

~~(5)~~(B) \*\*\*

~~(6)~~(C) \*\*\*

~~(7)~~(D) \*\*\*

~~(A)~~(i) \*\*\*

~~(B)~~(ii) \*\*\*

~~(8)~~(E) \*\*\*

~~(9)~~(F) \*\*\*

~~(10)~~(G) \*\*\*



~~(A)(i)~~ \*\*\*

~~(B)(ii)~~ \*\*\*

~~(11)(H)~~ \*\*\*

~~(12)(I)~~ \*\*\*

~~(13)(J)~~ \*\*\*

~~(A)(i)~~ \*\*\*

~~(B)(ii)~~ \*\*\*

*(Subd (d) amended effective January 1, 2005; repealed and adopted as subd (c)(3) effective January 1, 1990; previously amended effective January 1, 1992, January 1, 1993, January 1, 1995, July 1, 1995, July 1, 1997, and January 1, 1999; amended and relettered as subd (d) effective July 1, 1999; as subd (e) effective January 1, 2000; and as subd (d) effective January 1, 2001; amended effective January 1, 2004.)*

**(e) \*\*\***

*Rule 1461 amended effective January 1, 2005; adopted effective January 1, 1990; previously amended effective January 1, 1992, January 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2000, January 1, 2001, and January 1, 2004.*

## **Rule 1462. Eighteen-month review hearing**

**(a) [Setting for hearing; notice (§ 366.22)]** If a child was not returned at the 6- or 12-month review hearing, a permanency review hearing ~~shall~~ must be held no later than 18 months from the date of the initial removal. Notice of the hearing ~~shall~~ must be given as provided in rule 1460.

*(Subd (a) amended effective January 1, 2005; repealed and adopted effective July 1, 1999; adopted as subd (b)(1) effective January 1, 1990; previously amended effective January 1, 1992, January 1, 1993, January 1, 1994, and January 1, 2001.)*

**(b) [Reports (§§ 366.1, 366.21)]** Before the hearing the petitioner must prepare a report describing services offered to the family and progress made. The report must include:

(1) Recommendations for court orders and the reasons for those recommendations;

(2) A description of the efforts made to achieve legal permanence for the child if reunification efforts fail; and

(3) A factual discussion of each item listed in section 366.1.

*(Subd (b) adopted effective January 1, 2005.)*

**(b) (c) [Conduct of hearing (§ 366.22)]** At the hearing the court ~~shall~~ must state on the record that the court has read and considered the report of petitioner, the report of any ~~court-appointed child advocate~~ Court Appointed Special Advocate (CASA) volunteer, any report submitted by the child's caregiver pursuant to section 366.21(d), and other evidence, and ~~shall~~ must proceed as follows:

(1)–(2) \*\*\*

(3) If the court does not order return, the court ~~shall~~ must specify the factual basis for its finding of risk of detriment, terminate reunification services, and:

(A) Order that the child remain in ~~long-term~~ foster care, if it finds by clear and convincing evidence already presented that a section 366.26 hearing is not in the best interest of the child is not adoptable because the child is not a proper subject for adoption and there is no one to serve as guardian; has no one willing to accept legal guardianship. If the court orders that the child remain in foster care, it must identify the foster care setting by name and identify a specific permanency goal for the child. The court may order that the name and address of the foster home remain confidential. If the child is 10 years of age or older and is placed with a nonrelative, the court:

(i) Must determine whether the agency has identified individuals, in addition to the child's siblings, who are important to the child and will maintain caring, permanent relationships with the child, consistent with the child's best interest;

(ii) Must determine whether the agency has made reasonable efforts to nurture and maintain the child's relationships with those individuals, consistent with the child's best interest; and

(iii) May make any appropriate order to ensure that those relationships are maintained; or

(B) Order a hearing under section 366.26 within 120 days.

(4) Visitation ~~shall~~ must continue unless the court finds it would be detrimental to the child. The court may enter any other appropriate orders to enable the child to maintain relationships with other individuals who are important to the child, consistent with the child's best interest.

(5) The court ~~shall~~ must consider whether reasonable services have been provided. Evidence that the child has been placed with a relative or foster family ~~that~~ who is eligible to adopt, or that the child has been placed in a preadoptive home is insufficient alone to support a finding that reasonable services have not been offered or provided. The court ~~shall~~ must find that:

(A)–(B) \*\*\*

(6) If the court orders a hearing under section 366.26, the court ~~shall~~ must terminate reunification services and direct that an assessment be prepared as stated in section 366.22(b).

(7)–(11) \*\*\*

*(Subd (c) amended and relettered effective January 1, 2005; repealed and adopted as subd (b) effective January 1, 1990; previously amended effective July 1, 1991, January 1, 1992, January 1, 1993, January 1, 1995, July 1, 1995, January 1, 1999, and July 1, 1999.)*

**(e)(d) [Setting a hearing under section 366.26]** At the 18-month review hearing, the court ~~shall~~ must not set a hearing under section 366.26 to consider termination of the rights of only one parent unless that parent is the only surviving parent, ~~or~~ the rights of the other parent have been terminated by a California court of competent jurisdiction or by a court of competent jurisdiction of another state under the statutes of that state, or the other parent has relinquished custody of the child to the county welfare department.

*(Subd (d) amended and relettered effective January 1, 2005; adopted as subd (c) effective July 1, 1997.)*

*Rule 1462 amended effective January 1, 2005; repealed and adopted effective January 1, 1990; previously amended effective July 1, 1991, January 1, 1992, January 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, and January 1, 2001.*

### Rule 1463. Selection of permanent plan (§ 366.26)

(a) \*\*\*

(b) **[Notice of hearing (§ 366.23)]** Notice must be given to the child if 10 years or older, the mother, presumed and alleged fathers, any ~~court-appointed child advocate~~ Court Appointed Special Advocate (CASA) volunteer, and counsel of record, on Judicial Council form *Notice of Hearing on Selection of a Permanent Plan—Juvenile* (JV-300).

(1)–(4) \*\*\*

*(Subd (b) amended effective January 1, 2005; previously amended effective January 1, 1992, July 1, 1992, July 1, 1995, and July 1, 2002.)*

(c) \*\*\*

(d) **[Presence of child]** If the child is 10 years of age or older and is not present at the hearing, the court must determine whether the child was properly notified of his or her right to attend the hearing and ask why the child is not present. If the child is under 10 years of age, the child may not be present in court unless the child or the child's counsel so requests or the court so orders.

*(Subd (d) adopted effective January 1, 2005.)*

~~(d)~~(e) **[Conduct of hearing]** At the hearing, the court must state on the record that the court has read and considered the report of petitioner, the report of any ~~court-appointed child advocate~~ Court Appointed Special Advocate (CASA) volunteer, any report submitted by the child's caregiver pursuant to section 366.21(d), and other evidence, and must proceed as follows:

(1)–(5) \*\*\*

(6) If the court finds that paragraph (1)(A) or (1)(B) of this subdivision applies, the court must appoint the present custodian or other appropriate person to become the child's legal guardian; or must order the child to remain in ~~long-term~~ foster care. If the court orders that the child remain in foster care, it must identify the foster care setting by name and identify a specific permanency goal for the child. The court may order that the name and address of the foster home remain confidential. Legal guardianship must be given preference over long-term foster care when it is in the interest of the child and a suitable guardian can be found. A child who is

10 years of age or older who is placed in a group home must be asked to identify any adults who are important to him or her in order for the agency to investigate and the court to determine whether any of those adults would be appropriate to serve as legal guardians. Younger children may be asked, as appropriate. The child must not be removed from the home of a foster parent or relative who is not willing to become a legal guardian, but who is willing and capable of providing a stable and permanent home for the child, and with whom the child has substantial psychological ties, if the court finds that the removal would be seriously detrimental to the emotional well-being of the child. The court must make an order for visitation with the parent or guardian unless the court finds by a preponderance of the evidence that the visitation would be detrimental to the child.

(7) \*\*\*

*(Subd (e) amended and relettered effective January 1, 2005; repealed and adopted as subd (c) effective January 1, 1991; previously amended and relettered as subd (d) effective January 1, 1992; previously amended effective July 1, 1994, January 1, 1999, July 1, 1999, and July 1, 2002.)*

~~(e)~~(f) \*\*\*

*(Subd (f) relettered effective January 1, 2005; adopted as subd (d) effective January 1, 1991; relettered as subd (e) effective January 1, 1992; previously amended effective July 1, 1992, January 1, 1995, and July 1, 2002.)*

~~(f)~~(g) \*\*\*

*(Subd (g) relettered effective January 1, 2005; repealed and adopted as subd (e) effective January 1, 1991; relettered as subd (f) effective January 1, 1992; previously amended effective July 1, 1997, and July 1, 2002.)*

~~(g)~~(h) **[Purpose of termination of parental rights]** The purpose of termination of parental rights is to free the dependent child for adoption. Therefore, the court must not terminate the rights of only one parent unless that parent is the only surviving parent, or the rights of the other parent have been terminated by a California court of competent jurisdiction or by a court of competent jurisdiction of another state under the statutes of that state, or the other parent has relinquished custody of the child to the county welfare department. The rights of the mother, any presumed father, any alleged father, and any unknown father or fathers must be terminated in order to free the child for adoption.

*(Subd (h) amended and relettered effective January 1, 2005; adopted as subd (g) effective July 1, 1997; previously amended effective July 1, 2002.)*

**(h)(i) \*\*\***

*(Subd (i) relettered effective January 1, 2005; repealed and adopted as subd (f) effective January 1, 1991; previously relettered as subd (g) effective January 1, 1992, and as subd (h) effective July 1, 1997; amended effective July 1, 2002.)*

*Rule 1463 amended effective January 1, 2005; repealed and adopted effective January 1, 1991; previously amended effective January 1, 1992, July 1, 1992, January 1, 1994, July 1, 1994, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, and July 1, 2002.*

### **Rule 1466. Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 391)**

**(a) [Review hearings—adoption and guardianship]** Following ~~the~~ an order for termination of parental rights or a plan for the establishment of a guardianship under section 366.26, the court ~~shall~~ must retain jurisdiction and conduct review hearings every six months to ensure the expeditious completion of the adoption or guardianship.

- (1) At the review hearing, the court ~~shall~~ must consider the report of the petitioner, as required by section 366.3(f), and the report of any court-appointed child advocate. Court Appointed Special Advocate (CASA) volunteer, and any report submitted by the child's caregiver pursuant to section 366.21(d); inquire about the progress being made to provide a permanent home for the child; consider the safety of the child; and enter findings as required by section 366.3(e).
- (2) When adoption is granted, the court ~~shall~~ must terminate its jurisdiction.
- (3) When legal guardianship is granted, the court may continue dependency jurisdiction if it is in the best interests of the child, or the court may terminate dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship.
- (4) Notice of the hearing ~~shall~~ must be given as provided in rule 1460 and to the guardian if one has been appointed. Parents are to be given notice of all hearings unless their parental rights have been terminated.

*(Subd (a) amended effective January 1, 2005; repealed and adopted effective January 1, 1991; previously amended effective January 1, 1992, January 1, 1993, and July 1, 1999.)*

(b) **[Review hearings—foster care]** Following the establishment of a plan other than those provided for in subdivision (a) of this rule for long-term foster care, or when the court has authorized the filing of a petition under Part 4 (commencing with section 7800) of Division 12 of the Family Code or freed the child for adoption but the child is not placed in an adoptive home, review hearings ~~shall~~ must be conducted every six months by the court or by a local review board.

(1) At the review hearing, the court or review board ~~shall~~ must consider the report of the petitioner, ~~and the report of any court-appointed child advocate~~ Court Appointed Special Advocate (CASA) volunteer, and any report submitted by the child's caregiver pursuant to section 366.21(d); inquire about the progress being made to provide a permanent home for the child; consider the safety of the child; and enter findings regarding each item listed in section 366.3(e).

(2) No less frequently than once every 12 months, the court ~~shall~~ must conduct a review of the previously ordered permanent plan to consider whether the plan continues to be appropriate for the child. The 12-month review may be combined with the ~~six~~ 6-month review.

(3) If circumstances have changed since the permanent plan was ordered, the court may order a new permanent plan under section 366.26 at any subsequent hearing, or any party may seek a new permanent plan by a motion filed under rule 1432.

(4) Notice of the hearing ~~shall~~ must be given as provided in rule 1460. Parents are to be given notice of all hearings unless their parental rights have been terminated.

(5) The court ~~shall~~ must continue the child in foster care unless the parents prove, by a preponderance of the evidence, that further efforts at reunification are the best alternative for the child. In those cases, the court may order reunification services for a period not to exceed ~~six~~ 6 months.

~~(4)~~(6) At a review held 12 months after an original or subsequent order for the child to remain in ~~long-term~~ foster care, the court ~~shall~~ must consider all permanency planning options, including whether the child should be returned to a parent or guardian, placed for adoption, or appointed a legal guardian, ~~or should remain in long-term foster care. If the court orders that the child remain in foster care, it must identify the foster care setting by name and identify a specific permanency goal for the child. The court~~

may order that the name and address of the foster home remain confidential.

~~(2)~~(7) At a review held 12 months after an original or subsequent order for the child to remain in foster care, the court shall must order a hearing under section 366.26 unless the court finds by clear and convincing evidence that there is a compelling reason for determining that a section 366.26 hearing is not in the child's best interest because the child is being returned to the home of the parent, the child is not a proper subject for adoption, or that there is no one available to assume guardianship.

~~(3)~~(8) If the court makes the findings in subsection subdivision (2) (7), the court may then order that the child to remain in long-term foster care.

*(Subd (b) amended effective January 1, 2005; repealed and adopted effective January 1, 1991; previously amended effective January 1, 1992, January 1, 1994, January 1, 1998, January 1, 1999, and July 1, 1999.)*

(c) \*\*\*

(d) **[Hearings on termination of jurisdiction—child reaching age of majority (§ 391)]** Petitioner must file form JV-356365, Termination of Dependency Jurisdiction (Child Attaining Age of Majority) (Juvenile) with the court at least 10 calendar days before the hearing to terminate dependency jurisdiction and must provide copies to the child, the parents or guardians, any Court Appointed Special Advocate (CASA) volunteer, and all counsel of record at least 10 calendar days before the hearing.

*(Subd (d) amended effective January 1, 2005; adopted effective July 1, 2002.)*

*Rule 1466 amended effective January 1, 2005; adopted as rule 1465 effective January 1, 1991; previously amended effective January 1, 1992, January 1, 1993, January 1, 1994, and July 1, 1994; renumbered effective July 1, 1995; amended effective January 1, 1998, January 1, 1999, July 1, 1999, and July 1, 2002.*

## **Rule 1501. Definitions**

As used in ~~these rules~~ this chapter, unless the context or subject matter otherwise requires:

~~(a)~~(1) “Action” means any civil action or proceeding that is subject to coordination or ~~affecting~~ affecting an action ~~that is~~ subject to coordination.



*(Subd (a) amended and renumbered effective January 1, 2005; adopted as subd (a) effective January 1, 1974.)*

- ~~(b)~~(2) “Add-on case” means an action that is proposed for coordination, ~~pursuant to under Code of Civil Procedure~~ section 404.4 of the Code of Civil Procedure, with actions previously ordered coordinated.

*(Subd (b) amended and renumbered effective January 1, 2005; adopted as subd (b) effective January 1, 1974.)*

- ~~(e)~~(3) “Assigned judge” means any judge assigned by the Chairman of the Judicial Council or by a presiding judge authorized by the Chair of the Judicial Council to assign a judge pursuant to under Code of Civil Procedure ~~section 404 or 404.3 of the Code of Civil Procedure~~, including a “coordination motion judge” and a “coordination trial judge.”

*(Subd (c) amended and renumbered effective January 1, 2005; adopted as subd (c) effective January 1, 1974.)*

- ~~(d)~~(4) “Clerk,” unless otherwise indicated, means any person designated by an assigned judge to perform any clerical duties ~~in accordance with these rules~~ required by the rules in this chapter.

*(Subd (d) amended and renumbered effective January 1, 2005; adopted as subd (d) effective January 1, 1974.)*

- ~~(e)~~(5) “Coordinated action” means any action that has been ordered coordinated with one or more other actions ~~pursuant to under chapter 2 3~~ (commencing with section 404) of title 4 of part 2 of the Code of Civil Procedure and the rules in this chapter pursuant to these rules.

*(Subd (e) amended and renumbered effective January 1, 2005; adopted as subd (e) effective January 1, 1974.)*

- ~~(f)~~(6) “Coordination attorney” means an attorney in the Administrative Office of the Courts appointed by the Chairman of the Judicial Council to perform such administrative functions as may be appropriate ~~under these the rules in this chapter~~, including but not limited to the functions described in rules 1524 and 1550.

*(Subd (f) amended and renumbered effective January 1, 2005; adopted as subd (f) effective January 1, 1974.)*

~~(g)~~(7) “Coordination motion judge” means an assigned judge designated ~~pursuant to~~ under Code of Civil Procedure section 404 ~~of the Code of Civil Procedure~~ to determine whether coordination is appropriate.

*(Subd (g) amended and renumbered effective January 1, 2005; adopted as subd (g) effective January 1, 1974.)*

~~(h)~~(8) “Coordination proceeding” means any procedure authorized by chapter ~~2~~ 3 (commencing with section 404) of title 4 of part 2 of the Code of Civil Procedure and by ~~these~~ the rules in this chapter.

*(Subd (h) amended and renumbered effective January 1, 2005; adopted as subd (h) effective January 1, 1974.)*

~~(i)~~(9) “Coordination trial judge” means an assigned judge designated ~~pursuant to~~ under Code of Civil Procedure section 404.3 ~~of the Code of Civil Procedure~~ to hear and determine coordinated actions.

*(Subd (i) amended and renumbered effective January 1, 2005; adopted as subd (i) effective January 1, 1974.)*

~~(j)~~(10) “Expenses” means all necessary costs that are reimbursable under Code of Civil Procedure section 404.8 ~~of the Code of Civil Procedure~~, including the compensation of the assigned judge and other necessary judicial officers and employees, the costs of any necessary travel and subsistence determined ~~pursuant to~~ under rules of the State Board of Control, and all necessarily incurred costs of facilities, supplies, materials, and telephone and mailing expenses.

*(Subd (j) amended and renumbered effective January 1, 2005; adopted as subd (j) effective January 1, 1974.)*

~~(k)~~(11) “Included action” means any action or proceeding included in a petition for coordination.

*(Subd (k) amended and renumbered effective January 1, 2005; adopted as subd (k) effective January 1, 1974.)*

~~(l)~~(12) “Liaison counsel” means an attorney of record for a party to an included action or a coordinated action who has been appointed by an assigned judge to serve as representative of all parties on a side with the following powers and duties, as appropriate:

- (1)(A) To receive on behalf of and promptly distribute to the parties for whom he or she acts all notices and other documents from the court;
- (2)(B) To act as spokesman for the side which that he or she represents at all proceedings set on notice before trial, subject to the right of each party to present individual or divergent positions; and
- (3)(C) To call meetings of counsel for the purpose of proposing joint action.

*(Subd (l) amended and renumbered effective January 1, 2005; adopted as subd (l) effective January 1, 1974; previously amended effective July 1, 1974.)*

- (m)(13) “Party” includes all parties to all included actions or coordinated actions, and the word “party,” “petitioner,” or any other designation of a party includes ~~such~~ that party’s attorney of record. When a notice or other paper is required to be given or served on a party, ~~such~~ the notice or paper ~~shall~~ must be given to or served on ~~his~~ the party’s attorney of record, if any.

*(Subd (m) amended and renumbered effective January 1, 2005; adopted as subd (m) effective January 1, 1974.)*

- (n)(14) “Petition for coordination” means any petition, motion, application, or request for coordination of actions submitted to the Chairman of the Judicial Council or to a coordination trial judge ~~pursuant to~~ under rule 1544.

*(Subd (n) amended and renumbered effective January 1, 2005; adopted as subd (n) effective January 1, 1974.)*

- (o)(15) “Remand” means to ~~remove~~ return a coordinated action or a severable claim or issue in ~~that~~ a coordinated action from a coordination proceeding ~~and to return that action or claim or issue~~ to the court in which the action was pending at the time the coordination of that action was ordered. If a remanded action or claim had been transferred by the coordination trial judge under rule 1543 from the court in which ~~such action~~ the remanded action or claim was pending, the remand ~~shall~~ must include the retransfer of ~~the~~ that action or claim to that court.

*(Subd (o) amended and renumbered effective January 1, 2005; adopted as subd (o) effective January 1, 1974.)*

~~(p)~~(16) “Serve and file” means that a paper filed in a court ~~is to~~ must be accompanied by proof of prior service ~~in a manner permitted by law of~~ a copy of the paper on each party required to be served under ~~these the~~ rules in this chapter.

*(Subd (p) amended and renumbered effective January 1, 2005; adopted as subd (p) effective January 1, 1974.)*

~~(q)~~(17) “Serve and submit” means that a paper to be submitted to an assigned judge ~~pursuant to these~~ under the rules in this chapter is to must be ~~transmitted~~ submitted to that judge at a designated court address. Every paper so submitted must be accompanied by proof of prior service on each party required to be served under ~~these the rules in this chapter.~~ If there is no assigned judge, or if the paper is of a type included in rule 1511(a), such the paper shall must be transmitted submitted to the Chairman of the Judicial Council.

*(Subd (q) amended and renumbered effective January 1, 2005; adopted as subd (q) effective January 1, 1974.)*

~~(r)~~(18) “Side” means all parties to an included or a coordinated action who have a common or substantially similar interest in the issues, as determined by the assigned judge for the purpose of appointing ~~any~~ liaison counsel, or of allotting peremptory challenges in jury selection, or for any other appropriate purpose. Except as defined in rule 1515, a side may include less than all plaintiffs or all defendants.

*(Subd (r) amended and renumbered effective January 1, 2005; adopted as subd (r) effective January 1, 1974. )*

~~(s)~~(19) “Transfer” means to remove a coordinated action or severable claim in that action from the court in which it is pending to any other court ~~pursuant to~~ under rule 1543, without removing ~~such the~~ action or claim from the coordination proceeding. ~~The term~~ “Transfer” includes “retransfer.”

*(Subd (s) amended and renumbered effective January 1, 2005; adopted as subd (s) effective January 1, 1974.)*

*Rule 1501 amended effective January 1, 2005; adopted effective January 1, 1974; previously amended effective July 1, 1974.*

## **Rule ~~1501.1~~ 1502. Complex case—~~definition~~ determination**

The court must consider rule 1800 et seq. in determining whether a case is or is not a complex case within the meaning of Code of Civil Procedure sections 403 and 404. ~~the court shall consider rule 1800 et seq. of the California Rules of Court.~~

*Rule 1502 amended and renumbered effective January 1, 2005; adopted as rule 1501.1 effective September 21, 1996; previously amended effective January 1, 2000.*

*Former rule 1502 repealed effective January 1, 1005; adopted effective January 1, 1974. The repealed rule related to construction of terms.*

## **Rule 1503. Requests for extensions of time or to shorten time**

**(a) [Assigned judge may grant request]** ~~The assigned judge, on terms that are just, may shorten or extend the time within which any act is permitted or required to be done by a party may be shortened or extended by the assigned judge upon such terms as may be just.~~ Unless otherwise ordered, any motion or application for an extension of time to perform an act required by these rules ~~shall~~ must be served and submitted in accordance with rule 1501(17).

*(Subd (a) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(b) [Stipulation requires consent of assigned judge]** ~~No A stipulation for an extension of time for the filing and service of documents required by these the rules in this chapter shall be allowed unless consented to by requires approval of the assigned judge. If there is no assigned judge, an application for an extension of time shall be submitted to the Chairman of the Judicial Council in accordance with rule 1511.~~

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(c) [Extension does not extend time for bringing action to trial]** Nothing in this rule extends the time within which a party must bring an action to trial under Code of Civil Procedure section 583.310.

*(Subd (c) adopted effective January 1, 2005.)*

*Rule 1503 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Rule 1504. General law applicable**

- (a) **[General law applicable]** Except as otherwise provided in ~~these~~ the rules in this chapter, all provisions of law applicable to civil actions generally apply ~~regardless of nomenclature~~ to an action included in a coordination proceeding ~~if they would otherwise apply to such action without reference to this rule.~~

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Rules prevail over conflicting general provisions of law]** To the extent that ~~these~~ the rules in this chapter conflict with ~~such~~ provisions of law applicable to civil actions generally, the rules in this chapter shall prevail, as provided ~~under~~ by Code of Civil Procedure section 404.7 of the Code of Civil Procedure.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of subd (a) effective January 1, 1974.)*

- ~~(b)~~(c) **[Manner of proceeding may be prescribed by assigned judge]** If the manner of proceeding is not prescribed by chapter ~~2~~ 3 (commencing with section 404) of title 4 of part 2 of the Code of Civil Procedure or by ~~these~~ the rules in this chapter, or if the prescribed manner of proceeding cannot, with reasonable diligence, be followed in a particular coordination proceeding, the assigned judge may prescribe any suitable manner of proceeding that appears most ~~conformable to such~~ consistent with those statutes and rules.

*(Subd (c) amended and relettered effective January 1, 2005; adopted as subd (b) effective January 1, 1974.)*

- ~~(e)~~(d) **[Specification of applicable local rules]** At the beginning of a coordination proceeding, the assigned judge ~~shall~~ must specify, subject to rule 981.1, any local court rules to be followed in that proceeding, and thereafter all parties ~~shall~~ must comply with ~~such~~ those rules. Except as otherwise provided in ~~these~~ the rules in this chapter or as directed by the assigned judge, the local rules of the court designated in the order appointing the assigned judge ~~shall~~ apply in all respects if they would otherwise apply without reference to ~~these~~ the rules in this chapter.

*(Subd (d) amended and relettered effective January 1, 2005; adopted as subd (c) effective January 1, 1974.)*

*Rule 1504 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Rule 1505. Appellate review**

**(a) [Coordination order to specify reviewing court]** If the actions to be coordinated are within the jurisdiction of more than one reviewing court, ~~an~~ the coordination motion judge must select and the order granting a petition for coordination shall must specify, in accordance with Code of Civil Procedure section 404.2 ~~of the Code of Civil Procedure~~, the court ~~in which any petition for a writ relating to any subsequent order in that coordination proceeding shall be filed~~ having appellate jurisdiction of the coordinated actions.

*(Subd (a) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(b) [Court for review of order granting or denying coordination]** A petition for a writ relating to an order granting or denying coordination may be filed, subject to the provisions of rule ~~20~~ 47.1, in any reviewing court having jurisdiction under the rules applicable to civil actions generally.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

*Rule 1505 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Rule 1506. Liaison counsel**

**(a) [Selection and appointment]** An assigned judge may at any time request ~~that~~ the parties on each side of the included or coordinated actions ~~to select one or more of the attorneys of record on that side to be appointed for appointment as liaison counsel, and may appoint such~~ liaison counsel, and may appoint ~~such~~ liaison counsel if the parties are unable to agree.

*(Subd (a) amended effective January 1, 2005.)*

**(b) [Duration of appointment by coordination motion judge]** Unless otherwise stipulated to or directed by an assigned judge, the appointment of a liaison counsel by a coordination motion judge ~~shall terminates upon~~ terminates upon the final determination of the issue whether coordination is appropriate. For good cause shown, the coordination motion judge, on ~~his~~ the court's own motion or on the motion of any party, may remove ~~such~~ previously appointed counsel as liaison counsel.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of subd (a) effective January 1, 1974.)*

**(b)(c) [Service on party that has requested special notice]** Except as otherwise directed by the assigned judge, any party who has made a written request for special notice ~~shall~~ must be served with a copy of any document thereafter served on the party's liaison counsel.

*(Subd (c) amended and relettered effective January 1, 2005; adopted as subd (b) effective January 1, 1974.)*

*Rule 1506 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Chapter 2. Procedural Rules Applicable to All Procedures for Complex Coordination Proceedings**

### **Rule 1510. Service of papers**

**(a) [Proof of service]** Except as otherwise provided in ~~these the rules in this chapter,~~ all papers filed or submitted ~~under these rules shall~~ must be accompanied by proof of prior service on all other parties to the coordination proceeding, including all parties appearing in all included actions and coordinated actions. Service and proof of such service ~~shall~~ must be made as provided for in civil actions generally.

*(Subd (a) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(b) [Service on liaison counsel]** Except as provided in rule 1506(b), any party for whom liaison counsel has been designated may be served by serving the liaison counsel.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(c) [Effect of failure to serve]** Failure to serve any defendant with a copy of the summons and of the complaint, or failure to serve any party with any other paper or order as required by ~~these the rules in this chapter,~~ ~~shall~~ will not preclude the coordination of the actions, but ~~such the unserved~~ defendant or party may assert ~~such the~~ failure to serve ~~him~~ as a basis for appropriate relief.

*(Subd (c) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

*Rule 1510 amended effective January 1, 2005; adopted effective January 1, 1974.*



## Rule 1511. Papers to be submitted to Chairman of the Judicial Council

~~A copy of every petition, notice of submission of petition for coordination, notice of opposition, application for stay order, stay order, notice of hearing on a petition, order granting or denying coordination, order of remand, order of transfer, and of every order terminating a coordination proceeding in whole or in part shall be transmitted to the Chairman of the Judicial Council. Any document required to be submitted to the Chairman of the Judicial Council shall be submitted in duplicate unless such document is accompanied by proof of submission of the original or a copy thereof to the assigned judge. All papers submitted to the Chairman of the Judicial Council under these rules shall be transmitted to the San Francisco office of the Judicial Council.~~

*(Unlettered subdivision repealed effective January 1, 2005.)*

**(a) [Types of papers]** A copy of the following papers must be submitted to the Chair of the Judicial Council at the Judicial Council's San Francisco office:

- (1) Petition for coordination, including a petition for coordination of add-on cases;
- (2) Notice of submission of petition for coordination, along with the caption page of the original action;
- (3) Order assigning coordination motion judge, if made by a presiding judge;
- (4) Order assigning coordination trial judge, if made by a presiding judge;
- (5) Notice of opposition;
- (6) Response in opposition to or in support of a petition for coordination;
- (7) Motion for a stay order;
- (8) Notice of hearing on petition;
- (9) Order granting or denying coordination, including coordination of add-on cases;
- (10) Order of remand;
- (11) Order of transfer;

(12) Order terminating a coordination proceeding in whole or in part;

(13) Order dismissing an included or coordinated action;

(14) Notice of appeal; and

(15) Notice of disposition of appeal.

*(Subd (a) adopted effective January 1, 2005.)*

**(b) [Obligation of party]** The papers listed in (a) are to be submitted by the party that filed or submitted and served the papers or that was directed to give notice of entry of the order. Notice of submission must be filed with the court as part of the proof of service.

*(Subd (b) adopted effective January 1, 2005.)*

*Rule 1511 amended effective January 1, 2005; adopted effective January 1, 1974.*

#### **Rule 1512. Points and authorities Service of memorandums and affidavits declarations**

Unless otherwise provided in ~~these~~ the rules in this chapter or directed by the assigned judge, all memorandaums ~~of points and authorities~~ and affidavits declarations in support of or opposition to any petition, motion, or application ~~shall~~ must be served and submitted ~~not later than~~ at least five nine calendar days prior to ~~before~~ any hearing ~~upon~~ the matter at issue.

*Rule 1512 amended effective January 1, 2005; adopted effective January 1, 1974.*

#### **Rule 1513. Evidence presented at court hearings**

All factual matters to be heard on any petition for coordination, or on any other petition, motion, or application under ~~these~~ the rules in this chapter, ~~shall~~ must be initially presented and heard ~~upon affidavits declarations~~, answers to interrogatories or requests for admissions, depositions, or matters judicially noticed. Oral testimony ~~shall~~ will not be permitted at a hearing except as the assigned judge may permit to resolve factual issues shown by the ~~affidavits declarations~~, responses to discovery, or matters judicially noticed to be in dispute. ~~Except as otherwise permitted by the assigned judge for good cause shown, Only the parties who that~~ have submitted a petition, ~~or motion or application~~, or a written response or opposition to ~~such a petition, or motion or application~~, ~~shall~~ will be permitted to

appear at the hearing ~~thereon~~, except the assigned judge may permit other parties to appear, on a showing of good cause.

*Rule 1513 amended effective January 1, 2005; adopted effective January 1, 1974.*

**Rule 1514. Stay Motions and orders for a stay**

- (a) **[Motion for stay]** ~~An application to an assigned judge~~ Any party may file a motion for an order ~~pursuant to~~ under Code of Civil Procedure section 404.5 of ~~the Code of Civil Procedure~~ staying the proceedings in any action being considered for, or affecting an action being considered for, coordination, or the court may stay the proceedings on its own motion. The motion for a stay may be included with a petition for coordination or may be served and submitted to the Chair of the Judicial Council and the coordination motion judge by any party at any time prior to the determination of ~~such~~ the petition.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Contents of motion]** ~~An application~~ motion for a stay order ~~or opposition to such application shall~~ must:

- (1) List all known pending related cases ~~pending in any California court; and shall~~
- (2) State whether the stay order should extend to any such related case; and
- (3) ~~An application for a stay order shall~~ Be supported by a memorandum of ~~points and authorities~~ and by ~~affidavits~~ declarations establishing the facts relied upon to show that a stay order is necessary and appropriate to effectuate the purposes of coordination.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of subdivision (a) effective January 1, 1974.)*

- (c) **[Service requirements for certain motions for stay orders]** If the action to be stayed is not included in the petition for coordination or any response to that petition, ~~copies of the application~~ motion for a stay order and of all supporting documents ~~shall~~ must be served ~~upon~~ on each party to the action to be stayed and any such party may serve and submit opposition to the ~~application~~ motion for a stay order.

*(Subd (c) amended and lettered effective January 1, 2005; adopted as part of subdivision (a) effective January 1, 1974.)*

**(d) [Opposition to motion for stay order]** Any points and authorities memorandums and affidavits declarations in opposition to an application motion for a stay order shall must be served and submitted within 10 days after the service of such application the motion.

*(Subd (d) amended and lettered effective January 1, 2005; adopted as part of subdivision (a) effective January 1, 1974.)*

**(e) [Hearing on motion for stay order]** ~~and the assigned judge may schedule a hearing to determine whether the stay order shall issue.~~ A stay order may be issued with or without a hearing. A party filing a motion for a stay order or opposition thereto may request a hearing to determine whether the stay order should be granted. A request for hearing should be made at the time the requesting party files the motion or opposition. If the coordination motion judge grants the request for a hearing, the requesting party must provide notice.

*(Subd (e) amended and lettered effective January 1, 2005; adopted as part of subdivision (a) effective January 1, 1974.)*

**(e)(f) [Determination of motion for stay order]** In ruling upon an application motion for a stay order, the assigned judge shall must determine whether the stay will promote the ends of justice, considering the imminence of any trial or other proceeding that might materially affect the status of the action to be stayed, and whether a final judgment in that action would have a res judicata or collateral estoppel effect with regard to any common issue of the included actions.

*(Subd (f) amended and relettered effective January 1, 2005; adopted as subd (e) effective January 1, 1974.)*

**(b)(g) [Issuance of stay order and termination of stay]** Any stay order issued without a hearing over the prior written objection of a party to the action stayed by such order shall terminate on the 30th day following filing of the stay order. A stay order issued in the absence of any timely written objection and without a hearing shall terminate on the 30th day following the submission by any party to the action stayed by such order of a written request for a hearing to determine whether the stay order shall remain in effect. Notice of a hearing to determine whether a stay order should be granted or terminated shall be prepared and served at the direction of the coordination motion judge. For good cause shown at such hearing, the judge may order the stay granted or extended pending determination of the petition for coordination. If a stay order is issued, the party that requested the stay must serve and file a copy of the order in each included action that

is stayed. Thirty or more days following issuance of the stay order, any party that is subject to the stay order may move to terminate the stay.

*(Subd (g) amended and relettered effective January 1, 2005; adopted as subd (b) effective January 1, 1974.)*

**(e)(h) [Effect of stay order]** Unless otherwise specified in the stay order, a stay order suspends all proceedings in the action to which it applies. A stay order may be limited by its terms to specified proceedings, orders, motions, or other phases of the action to which the stay order applies.

*(Subd (h) amended and relettered effective January 1, 2005; adopted as subd (c) effective January 1, 1974.)*

**(d)(i) [Effect of absence of stay order]** In the absence of a stay order, a court receiving an order assigning a coordination motion judge may continue to exercise jurisdiction over the included action for purposes of all pretrial and discovery proceedings, but no trial ~~shall~~ may be commenced and no judgment ~~shall~~ may be entered in that action unless trial of the action had commenced ~~prior to~~ before the assignment of the coordination motion judge.

*(Subd (i) amended and relettered effective January 1, 2005; adopted as subd (d) effective January 1, 1974; previously amended effective July 1, 1974.)*

**(f)(j) [Effect of stay order on dismissal for lack of prosecution]** The time during which any stay of proceedings is in effect ~~pursuant to these~~ under the rules in this chapter ~~shall~~ must not be included in determining whether the action stayed should be dismissed for lack of prosecution ~~pursuant to~~ under chapter 1.5 (§ 583.110 et seq.) of title 8 of part 2 of the Code of Civil Procedure.

*(Subd (j) amended and relettered effective January 1, 2005; adopted as subdivision (f) effective January 1, 1974; previously amended effective January 1, 1986.)*

*Rule 1514 amended effective January 1, 2005; adopted effective January 1, 1974; previously amended effective July 1, 1974, and January 1, 1986.*

## **Rule 1515. Motions ~~pursuant to~~ under Code of Civil Procedure section 170.6**

~~Any~~ A party making a peremptory challenge by motion or affidavit of prejudice regarding an assigned judge ~~shall~~ must ~~be submitted~~ it in writing to the assigned judge within 20 days after service of the order assigning the judge to the coordination proceeding. All plaintiffs or similar parties in the included or

coordinated actions ~~shall~~ constitute a side and all defendants or similar parties in such actions ~~shall~~ constitute a side for purposes of applying Code of Civil Procedure section 170.6.

*Rule 1515 amended effective January 1, 2005; adopted effective January 1, 1974; previously amended effective June 19, 1982.*

## **Rule 1520. Motions filed in the trial court**

- (a) **[General requirements]** A motion filed in the trial court under this rule ~~shall~~ must set forth specify the matters required by rule 1521(a) and ~~shall~~ must be made in the manner provided by law for motions in civil actions generally.

*(Subd (a) amended effective January 1, 2005; previously amended effective January 1, 1983.)*

(b) **[Permission to submit a petition for coordination]**

- (1) (Request for permission to submit coordination petition) If a direct petition is not authorized by Code of Civil Procedure section 404, a party may request permission from the presiding judge of the court in which one of the included actions is pending to submit a petition for coordination to the Chairperson of the Judicial Council. The request ~~shall~~ must be made by noticed motion accompanied by a proposed order to the presiding judge of a court in which one of the included actions is pending. The proposed order must state that the moving party has permission to submit a petition for coordination to the Chair of the Judicial Council under rules 1521–1523.
- (2) (Order to be prepared) If permission to submit a petition is granted, the moving party ~~shall prepare an order which shall be~~ must served and filed ~~in the action~~ the signed order and submitted ~~it~~ to the Chairperson of the Judicial Council. ~~The order shall grant the moving party permission to submit a petition for coordination to the Chairperson of the Judicial Council in compliance with rules 1521, 1522, and 1523.~~
- (3) (Stay permitted pending preparation of petition) To provide sufficient time for a party to submit a petition, the presiding judge may, ~~under rule 1514(e),~~ stay all related actions pending in that court for a reasonable time not to exceed 30 court or calendar days.

*(Subd (b) amended effective January 1, 2005; previously amended effective January 1, 1983.)*

- (e) ~~[Transfer and consolidation]~~ A motion to transfer and consolidate actions pending in the superior court and in a municipal or justice court of the same county under Code of Civil Procedure section 404 shall be submitted to a superior court in which one of the included actions is pending. The original moving papers shall be filed in the superior court action and copies shall be filed in each included action. The prevailing party shall prepare an order setting forth the disposition of the motion and shall serve and file the order in each included action. If transfer and consolidation are granted, the moving party shall take all necessary steps to effect the transfer of the action. The moving party shall complete the transfer no later than 90 days after the date the order of transfer is filed in the included action. If an included action is not transferred within the 90-day period, the order of transfer shall expire with respect to that action without prejudice to renewal of the motion to transfer and consolidate for good cause shown.

*(Subd (c) repealed effective January 1, 2005; adopted effective January 1, 1983.)*

*Rule 1520 amended effective January 1, 2005; adopted effective January 1, 1974; previously amended effective January 1, 1983.*

## **Rule 1521. Petition for coordination**

- (a) **[Contents of petition]** A request submitted to the Chairman of the Judicial Council for the assignment of a judge to determine whether the coordination of certain actions is appropriate, or a request that a coordination trial judge make such a determination concerning an add-on case, ~~shall~~ must be designated a "Petition for Coordination" and may be made at any time after filing of the complaint. The petition ~~shall~~ must state whether a hearing is requested and ~~shall~~ must be supported by ~~points and authorities~~ a memorandum and ~~affidavits~~ declarations showing:
- (1) The name of each petitioner, or, when the petition is submitted by a presiding or sole judge, the name of each real party in interest, and the name and address of his each party's attorney of record, if any;
  - (2) The names of the parties to all included actions, and the name and address of each party's attorney of record, if any;
  - (3) If the party seeking to submit a petition for coordination is a plaintiff, whether the party's attorney has served the summons and complaint on all parties in all included actions in which the attorney has appeared;

- ~~(3)~~(4) For each included action, the complete title and case number of each included action, together with, the date the complaint was filed, and the title of the court in which such the action is pending and the number of such action;
- ~~(4)~~(5) The complete title and case number of any other action known to the petitioner to be pending in a court of this state that shares a common question of fact or law with the included actions, and a statement of the reasons for not including such the other action in the petition for coordination or a statement that the petitioner knows of no other actions sharing a common question of fact or law;
- ~~(5)~~(6) The status of each included action, including the status of any pretrial or discovery motions or orders in that action, if known to petitioner;
- ~~(6)~~(7) The facts relied upon to show that each included action meets the coordination standards specified in Code of Civil Procedure section 404.1 of the Code of Civil Procedure; and
- ~~(7)~~(8) ~~any~~ The facts relied upon in support of a request that a particular site or sites be selected for a hearing upon the petition for coordination.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Submit proof of filing and service]** ~~A petition for coordination shall be accompanied by proof of filing of a copy of such petition and of the notice required by rule 1522 and by proof of prior service of copies of the notice and petition as required by rule 1523. Within five calendar days of submitting the petition for coordination, the petitioner must submit to the Chair of the Judicial Council proof of filing of the notice of submission of petition required by rule 1522, and proof of service of the notice of submission of petition and of the petition required by rule 1523.~~

*(Subd (b) amended effective January 1, 2005.)*

- (c) **[Copies of pleadings in lieu of proof by declaration]** ~~In lieu of proof by affidavit declaration of any fact required by subdivision (a)(2), (3)(4), (6)(7), and (7)(8), a certified or endorsed copy of the respective pleadings may be attached to the petition for coordination, provided that the petitioner shall specify with particularity the portions of the pleadings that are relied upon to show such the fact.~~

*(Subd (c) amended effective January 1, 2005.)*



- (d) **[Effect of imminent trial date]** The imminence of a trial in any action otherwise appropriate for coordination may be a ground for summary denial of a petition for coordination, in whole or in part.

*(Subd (d) amended effective January 1, 2005.)*

*Rule 1521 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Rule 1522. Notice of submission of petition for coordination**

- (a) **[Contents of notice of submission]** ~~In each included action, the petitioner must file~~ Each petition for coordination shall be accompanied by proof of filing in each included action of a “Notice of Submission of Petition for Coordination” and of a copy of the petition for coordination. Each such notice shall ~~must~~ must bear the title of the court in which the notice is to be filed and the title and case number of ~~the each~~ included action that is pending in that court. Each notice and shall must set forth include:

- (1) The date that the petition for coordination was submitted to the Chair of the Judicial Council;
- (2) The name and address of the petitioner’s attorney of record;
- (3) The title and case number of the each included action to which the petitioner is a party; and the title of the court in which each action is pending; and
- ~~(4) the title of the court in which that action is pending; and~~
- ~~(5)(4) the notice required by Rule 1523(b)~~ The statement that any written opposition to the petition must be submitted and served at least 10 calendar days before the hearing date.

*(Subd (a) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

- (b) **[Copies of notice]** ~~The petitioner must submit the~~ A copy of each such notice and proof of filing in each included action shall be attached to the original petition for coordination to the Chair of the Judicial Council within five calendar days of submitting the petition for coordination.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

*Rule 1522 amended effective January 1, 2005; adopted effective January 1, 1974.*

### **Rule 1523. Service of notice of submission on party**

~~(a)~~ The petitioner ~~shall~~ must serve a ~~copy~~ of the notice of submission of petition for coordination that was filed in each included action, ~~together with a copy of the~~ petition for coordination, ~~and of the supporting documents, upon each party~~ appearing in ~~such~~ each included action and submit the notice to the Chair of the Judicial Council within five calendar days of submitting the petition for coordination.

*(Unlettered subdivision amended effective January 1, 2005; adopted as subd (a) effective January 1, 1974.)*

~~(b)~~ ~~The notice shall advise each party that if he intends to oppose the petition for coordination, he must serve and submit written opposition thereto not later than 45 days after such notice is served on him. In lieu of serving copies of the petition for coordination and supporting documents on any party, the petitioner may advise such party in the notice of submission of petition for coordination served on such party that, within five days after such notice is served on him, he may request, in writing, the petitioner to furnish him with copies of such petition and of the supporting documents. The petitioner shall immediately furnish copies of the petition for coordination and of the supporting documents to each party who makes a timely request, in writing, for such papers.~~

*(Subd (b) repealed effective January 1, 2005; adopted effective January 1, 1974.)*

*Rule 1523 amended effective January 1, 2005; adopted effective January 1, 1974.*

### **Rule 1524. Order assigning coordination motion judge**

(a) [Contents of order] An order by the Chairman of the Judicial Council assigning a coordination motion judge to determine whether coordination is appropriate, or authorizing the presiding judge of a court to assign the matter to judicial officers of the court to make the determination in the same manner as assignments are made in other civil cases, shall must include the following:

- (1) bear The special title and number assigned to the coordination proceeding; and

(2) The court address for submitting all subsequent documents to be considered by the coordination motion judge.

*(Subd (a) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(b) [Service of order]** The petitioner must serve ~~A copy of such the order described in (a) shall be served upon each party appearing in an included action and sent~~ send it to each court in which an included action is pending with directions to the clerk to file the order in the included action. The order shall specify a court address to which all subsequent documents to be submitted to the coordination motion judge shall thereafter be transmitted.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

*Rule 1524 amended effective January 1, 2005; adopted effective January 1, 1974.*

#### **Rule 1525. Response in opposition to petition for coordination**

Any party to an included action that opposes coordination ~~Within 45 days after being served with a copy of a notice of submission of petition for coordination, any party may serve and submit a memorandum points and authorities and affidavits declarations in opposition to the petition. Any response in opposition must be served and filed at least nine calendar days before the date set for hearing.~~

*Rule 1525 amended effective January 1, 2005; adopted effective January 1, 1974.*

#### **Rule 1526. Response in support of petition for coordination**

Any party to an included action; that supports coordination ~~within 30 days after he is served with a copy of the notice of submission as required by rule 1523, may serve and submit a written statement in support of the petition. Any response in support must be served and filed at least nine calendar days before the date set for hearing. If a party that supports coordination does not support the particular site or sites requested by the petitioner for the hearing on the petition for coordination, that party may request that a different site or sites be selected and include in his or her response the facts relied on in support thereof.~~

*Rule 1526 amended effective January 1, 2005; adopted effective January 1, 1974.*

#### **Rule 1527. Notice of hearing on petition for coordination**

- (a) **[Timing and notice of hearing]** ~~No action shall be ordered coordinated over the objection of any party, and no petition for coordination shall be denied, unless a hearing has been held on the petition as provided in these rules.~~

*(Subd (a) repealed effective January 1, 2005; adopted effective January 1, 1974.)*

- ~~(b)~~(a) ~~When~~ The coordination motion judge determines that must set a hearing date is required on a petition for coordination; he shall determine within 30 days of the date of the order assigning the coordination motion judge. When a coordination motion judge is assigned to decide a petition for coordination that lists additional included actions sharing a common question of law or fact with included actions in a petition for coordination already pending before the judge, the judge may continue the hearing date on the first petition no more than 30 calendar days in order to hear both petitions at the same time. The petitioner must provide notice of the hearing the time, place and matters or issues to be heard and a notice thereof shall be served upon to each party appearing in an included action. If the coordination motion judge shall determines that whether the petitioner has served appropriate notice on all a parties party who that should receive be served with notice of the petition for coordination proceeding, and if he finds that any such party has not been so served with notice, he shall the coordination motion judge must order the petitioner to effect promptly service serve upon such that party. If the coordination motion judge determines that a hearing is not required under (b), the hearing date must be vacated and notice provided to the parties.

*(Subd (a) amended and relettered effective January 1, 2005; adopted as subd (b) effective January 1, 1974.)*

- (b) **[Circumstances in which hearing required]** A hearing must be held to decide a petition for coordination if a party opposes coordination. A petition for coordination may not be denied unless a hearing has been held.

*(Subd (b) adopted effective January 1, 2005.)*

- (c) **[Report to the Chair of the Judicial Council]** ~~If the issue whether petition for coordination is appropriate has not been determined decided~~ within 90 30 calendar days after his assignment the hearing, the coordination motion judge shall must promptly submit to the Chairman of the Judicial Council a written report describing:

- (1) The present status of the petition for coordination proceeding;

- (2) Any factors or circumstances that may have caused undue or unanticipated delay in the determination of the issue whether coordination is appropriate, the decision on the petition for coordination; and
- (3) Any stay orders that are in effect.

*(Subd (c) amended effective January 1, 2005.)*

*Rule 1527 amended effective January 1, 2005; adopted effective January 1, 1974.*

### **Rule 1528. Separate hearing on certain coordination issues**

When it appears that a petition for coordination may be disposed of upon the determination of a specified issue or issues, without the necessity of conducting a hearing upon all issues raised by such the petition and by any opposition thereto, the assigned judge may order that the specified issue or issues be heard and determined prior to any before a hearing on the remaining issues.

*Rule 1528 amended effective January 1, 2005; adopted effective January 1, 1974.*

### **Rule 1529. Order granting or denying coordination**

- (a) **[Filing, and service, and submittal]** When a petition for coordination is granted or denied, the petitioner must promptly file a copy of the order shall be filed forthwith in each included action-, serve it A copy shall also be served on each party appearing in an included action, and submit it to the Chair of Judicial Council.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Stay of further proceedings]** When an order granting coordination is filed in an included action, all further proceedings in that action are automatically stayed, except as directed by the coordination trial judge or by the coordination motion judge pursuant to subdivision under (c). The stay of further proceedings shall does not preclude the court in which the included action is pending from accepting and filing papers with proof of submission of a copy to the assigned judge or from exercising jurisdiction over any severable claim that has not been ordered coordinated.

*(Subd (b) amended effective January 1, 2005.)*

- (c) **[Authority of coordination motion judge's authority pending assignment of coordination trial judge]** After a petition for coordination is has been granted and before a coordination trial judge is has been assigned, the coordination motion judge may for good cause make any appropriate order as the ends of justice may require; but ~~shall~~ may not commence a trial or enter judgment in any included action. Good cause ~~shall~~ includes a showing of an urgent need for judicial action to preserve the rights of a party pending assignment of a coordination trial judge.

*(Subd (c) amended effective January 1, 2005.)*

- (d) **[Order denying coordination]** The authority of a coordination motion judge over an included action terminates when an order denying a petition for coordination is filed in an the included action and served on the parties to the action, the authority of the coordination motion judge over the included action shall terminate. Any A stay that has been ordered by the coordination motion judge shall terminates 10 days after the filing of the order denying coordination is filed.

*(Subd (d) amended effective January 1, 2005.)*

*Rule 1529 amended effective January 1, 2005; adopted effective January 1, 1974; previously amended effective June 19, 1982.*

### **Rule 1530. Site of coordination proceedings**

- (a) **[Recommendation by coordination motion judge]** If a petition for coordination is granted, the coordination motion judge must, in the order granting coordination, recommend to the Chair of the Judicial Council a particular superior court for the site of the coordination proceedings.
- (b) **[Factors to consider]** The coordination motion judge may consider any relevant factors in making a recommendation for the site of the coordination proceedings, including the following:
- (1) The number of included actions in particular locations;
  - (2) Whether the litigation is at an advanced stage in a particular court;
  - (3) The efficient use of court facilities and judicial resources;
  - (4) The locations of witnesses and evidence;

- (5) The convenience of the parties and witnesses;
- (6) The parties' principal places of business;
- (7) The office locations of counsel for the parties; and
- (8) The ease of travel to and availability of accommodations in particular locations.

*Rule 1530 adopted effective January 1, 2005.*

#### **Rule 1531. Potential add-on case**

- (a) [Notice] Any party to an included action in a pending petition for coordination must promptly provide notice of any potential add-on cases in which that party is also named or in which that party's attorney has appeared. The party must submit notice to the coordination motion judge and the Chair of the Judicial Council and serve it on each party appearing in the included actions in the pending petition and each party appearing in the potential add-on cases.
- (b) [Stipulation or order] By stipulation of all parties or order of the coordination motion judge, each potential add-on case will be deemed an included action for purposes of the hearing on the petition for coordination.

*Rule 1531 adopted effective January 1, 2005.*

#### **Rule 1532. Petition for coordination when cases already ordered coordinated**

- (a) [Assignment of coordination trial judge] If it appears that included actions in a petition for coordination share a common question of law or fact with cases already ordered coordinated, the Chair of the Judicial Council may assign the petition to the coordination trial judge for the existing coordinated cases to decide the petition as a request to coordinate an add-on case under rule 1544.
- (b) [Order] The coordination trial judge's order must specify that the request to coordinate an add-on case is either granted or denied.
- (c) [Filing and service] The petitioner must promptly file the order in each included action, serve it on each party appearing in an included action, and submit a copy to the Chair of Judicial Council.

- (d) **[Cases added on and right to peremptory challenge]** If the coordination trial judge grants the petition, the included actions will be coordinated as add-on cases and the right to file a peremptory challenge under Code of Civil Procedure section 170.6 will be limited by rule 1515.
- (e) **[Assignment of coordination motion judge if cases not added on]** If the coordination trial judge denies the petition as a request to coordinate an add-on case under rule 1544, the Chair of the Judicial Council must assign a coordination motion judge to determine whether coordination is appropriate under rule 1524.

*Rule 1532 adopted effective January 1, 2005.*

## **Chapter 4. Pretrial and Trial Rules for Complex Coordinated Actions**

### **Rule 1540. Order assigning coordination trial judge**

- (a) **[Assignment by the Chair of the Judicial Council]** ~~Upon the granting of~~ When a petition for coordination is granted, the Chairman of the Judicial Council ~~shall~~ must either assign a coordination trial judge to hear and determine the coordinated actions or authorize the presiding judge of a court to assign the matter to judicial officers of the court in the same manner as assignments are made in other civil cases, as provided by under Code of Civil Procedure section 404.3 of the Code of Civil Procedure. The order assigning a coordination trial judge must designate an address for submission of papers to that judge.

*(Subd (a) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

- (b) **[Powers of coordination trial judge]** Immediately upon his assignment, the coordination trial judge may exercise all the powers over each coordinated action ~~of that are available to~~ a judge of the court in which that action is pending.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

- (c) **[Filing and service of copies of assignment order]** The petitioner must file ~~A copy of the assignment order shall be filed in each coordinated action and another copy thereof shall be transmitted to serve it on each party appearing in such each action. The order assigning a coordination trial judge shall designate~~



~~a single address to which all papers to be submitted to that judge shall be transmitted.~~ Every paper filed in a coordinated action ~~shall~~ must be accompanied by proof of submission of a copy ~~thereof~~ of the paper to the coordination trial judge at the designated address. A copy of the assignment order must be included in any subsequent service of process on any defendant in the action.

*(Subd (c) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

*Rule 1540 amended effective January 1, 2005; adopted effective January 1, 1974.*

### **Rule 1541. Duties of the coordination trial judge**

(a) **[Initial case management conference]** The coordination trial judge ~~shall~~ must hold a ~~preliminary trial case management~~ conference ~~preferably~~ within ~~30~~ 45 days after issuance of the assignment order ~~by the Chairman of the Judicial Council.~~ Counsel and all self-represented persons ~~appearing in propria persona shall~~ must come to attend the conference and be prepared to discuss all matters specified in the order setting the conference. At any time following the assignment of the coordination trial judge, ~~counsel~~ a party may serve and submit a proposed agenda for the conference and a proposed form of order covering such matters of procedure and discovery as may be appropriate. At ~~such~~ the conference, the judge may:

- (1) Appoint liaison counsel ~~in accordance with~~ under rule 1506;
- (2) Establish a timetable for filing motions other than discovery motions;
- (3) Establish a schedule for discovery;
- (4) Provide a method and schedule for the submission of preliminary legal questions that might serve to expedite the disposition of the coordinated actions;
- (5) In class actions, establish a schedule, if practicable, for the prompt determination of matters pertinent to the class action issue;
- (6) Establish a central depository or depositories to receive and maintain for inspection by the parties evidentiary material and specified documents that are not required by ~~these~~ the rules in this chapter to be served ~~upon~~ all parties; and

- (7) Schedule further pretrial conferences if appropriate.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Management of proceedings by coordination trial judge]** The coordination trial judge ~~shall~~ must assume an active role in managing all steps of the pretrial, discovery, and trial proceedings to expedite the just determination of the coordinated actions without delay. ~~He~~ The judge may, for the purpose of coordination and to serve the ends of justice:

- (1) Order any coordinated action transferred to another court pursuant to under rule 1543;
- (2) Schedule and conduct hearings, conferences, and a trial or trials at any site within this state that he the judge deems appropriate with due consideration to the convenience of parties, witnesses, and counsel; to the relative development of the actions and the work product of counsel; to the efficient utilization of judicial facilities and manpower resources; and to the calendar of the courts; and
- (3) Order any issue or defense to be tried separately and prior to the before trial of the remaining issues when it appears that the disposition of any of the coordinated actions might thereby be expedited.

*(Subd (b) amended effective January 1, 2005.)*

*Rule 1541 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Rule 1542. Remand of action or claim**

The coordination trial judge, ~~upon the stipulation of all parties to a coordination proceeding or upon the basis of evidence received at a hearing ordered on his own motion or on the motion of any party to any coordinated action,~~ may at any time remand a coordinated action or any severable claim or issue in that action to the court in which the action was pending at the time the coordination of that action was ordered. Remand may be made on the stipulation of all parties or on the basis of evidence received at a hearing on the court's own motion or on the motion of any party to any coordinated action. ~~provided that~~ No action or severable claim or issue in that action ~~shall~~ may be remanded over the objection of any party unless the evidence demonstrates a material change in the circumstances that are relevant to the criteria for coordination ~~as stated in under~~ Code of Civil Procedure section 404.1. If the order of remand requires that the action be transferred, the provisions

of rule 1543(b) ~~shall be~~ are applicable to the transfer. A remanded action is no longer part of the coordination proceedings for purposes of the rules in this chapter.

*Rule 1542 amended effective January 1, 2005; adopted effective January 1, 1974.*

### **Rule 1543. Transfer of action or claim**

- (a) **[Court may transfer coordinated action]** The coordination trial judge, ~~on his motion or on the motion of any party to any coordinated action,~~ may order any coordinated action or severable claim in that action transferred from the court in which it is pending to another court for a specified purpose or for all purposes. Transfer may be made by the court on its own motion or on the motion of any party to any coordinated action.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Hearing on motion to transfer]** ~~No action or claim shall be transferred over the objection of any party unless~~ If a party objects to transfer, the court must hold a hearing ~~has been held upon~~ on at least 10 days' written notice served upon all parties to that action. At any hearing to determine whether an action or claim should be transferred, the court ~~shall~~ must consider the convenience of parties, witnesses, and counsel; the relative development of the actions and the work product of counsel; the efficient utilization of judicial facilities and ~~manpower~~ resources; the calendar of the courts; and any other relevant matter.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of subd (a) effective January 1, 1974.)*

- ~~(b)(c)~~ **[Order transferring action]** The order transferring the action or claim ~~shall~~ must designate the court to which the action is transferred and ~~shall~~ must direct that a copy of the order of transfer ~~shall~~ be filed in each coordinated action. The order must indicate whether the action remains part of the coordination proceedings for purposes of the rules in this chapter.

*(Subd (c) amended and lettered effective January 1, 2005; adopted as part of subd (b) effective January 1, 1974.)*

**(d) [Duties of transferor and transferee courts]**

- (1) **(Duty of transferor court)** The clerk of the court in which the action was pending ~~shall~~ must immediately prepare and transmit to the court to which the action is transferred a certified copy of the order of transfer and of the pleadings and proceedings in ~~that~~ the transferred action and ~~shall~~

must serve a copy of the order of transfer ~~upon~~ each party appearing in that action.

- (2) *(Duty of transferee court)* The court to which the action is transferred ~~shall~~ must file the action as if the action had been commenced in that court. No fees ~~shall~~ may be required for such transfer by either court.
- (3) *(Transmission of papers)* If it is necessary to have any of the original pleadings or other papers in the transferred action before the coordination trial judge, the clerk of the court from which the action was transferred ~~shall~~ must, upon written request of a party to that action or of the coordination trial judge, transmit such papers or pleadings to the court to which the action is transferred, and must retain a certified copy thereof ~~being retained~~.

*(Subd (d) amended and lettered effective January 1, 2005; adopted as part of subd (b) effective January 1, 1974.)*

- (e) **[Transferee court to exercise jurisdiction]** ~~Upon~~ On receipt of an transfer order of transfer, the court to which the action is transferred may exercise jurisdiction over the action in accordance with the orders and directions of the coordination trial judge, and no other court ~~shall~~ may exercise jurisdiction over that action except as provided in this rule.

*(Subd (e) amended and lettered effective January 1, 2005; adopted as part of subd (b) effective January 1, 1974.)*

*Rule 1543 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Rule 1544. Add-on cases**

- (a) **[Request to coordinate add-on case]** A request to coordinate an add-on case ~~shall~~ must ~~conform to~~ comply with the requirements of rules 1520 through 1523, except that ~~such the~~ request ~~shall~~ must be submitted to the coordination trial judge ~~pursuant to~~ under section 404.4 of the Code of Civil Procedure, with proof of mailing of one copy ~~thereof~~ to the ~~Chairman~~ of the Judicial Council and ~~with~~ proof of service as required by rule 1510.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Opposition to request to coordinate an add-on case]** Within 10 days after ~~such the~~ service of a request, any party may serve and submit a notice of opposition to ~~such the~~ request. Thereafter, within 15 days after submitting ~~his~~

a notice of opposition, the party ~~shall~~ must serve and submit ~~his points and authorities a memorandum and affidavits declarations~~ in opposition to the request. Failure to serve and submit ~~such points and authorities a memorandum and affidavits declarations in opposition~~ may be a ground for granting the request to coordinate an add-on case.

*(Subd amended and lettered effective January 1, 2005; adopted as part of subd (a) effective January 1, 1974.)*

**(b)(c) [Hearing on request to coordinate an add-on case]** The coordination trial judge may order a hearing ~~to be held on the~~ a request to coordinate an add-on case ~~as provided by under~~ rules 1527 and 1528 and may allow the parties to serve and submit additional written materials in support of, or ~~in~~ opposition to, the request. ~~At any such hearing~~ In deciding the request to coordinate, the court ~~shall~~ must consider the relative development of the actions and the work product of counsel, in addition to any other relevant matter. ~~Any~~ An application for an order staying the add-on case ~~shall~~ must be made to the coordination trial judge ~~in the manner provided by under~~ rule 1514.

*(Subd (c) amended and relettered effective January 1, 2005; adopted as subd (b) effective January 1, 1974.)*

**(e)(d) [Order on request to coordinate an add-on case]** If no party has filed a notice of opposition within the time required under (b), the coordination trial judge may enter an order granting or denying the request without a hearing. An order granting or denying a request to coordinate an add-on case ~~shall~~ must be prepared and served ~~as provided by~~ under rule 1529, and an order granting such request ~~shall, upon filing,~~ automatically stays all further proceedings in the add-on case ~~as provided in~~ under rule 1529.

*(Subd (d) amended and relettered effective January 1, 2005; adopted as subd (c) effective January 1, 1974.)*

*Rule 1544 amended effective January 1, 2005; adopted effective January 1, 1974.*

## **Rule 1545. Termination of coordinated action**

**(a) [Coordination trial judge may terminate action]** The coordination trial judge may terminate any coordinated action by settlement or final dismissal, summary judgment, or judgment, or may transfer ~~such the~~ the action so that it may be dismissed or otherwise terminated in the court where ~~the action~~ it was pending when coordination was ordered.

*(Subd (a) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(b) [Copies of order dismissing or terminating action and judgment]** A certified copy of ~~any~~ the order dismissing or terminating the action and of any judgment ~~shall~~ must be transmitted to:

(1) The clerk of the court in which the action was pending when coordination was ordered, who shall promptly enter any judgment and serve notice of entry of the judgment upon all parties to the action; and on the Chair of the Judicial Council; and

(2) The appropriate clerks for filing in each pending coordinated action.

*(Subd (b) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(c) [Judgment in coordinated action]** The judgment entered in each coordinated action ~~shall~~ must bear the title and case number that would be applicable to that action without regard to the coordination proceeding assigned to the action at the time it was filed.

*(Subd (c) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

**(d) [Proceedings in trial court after judgment]** Until the judgment in a coordinated action becomes final or until a coordinated action is remanded, all further proceedings in that action to be determined by the trial court ~~shall~~ must be determined by the coordination trial judge; Thereafter, unless otherwise ordered by the coordination trial judge, all such proceedings shall must be conducted in the court where the action was pending when coordination was ordered. The coordination trial judge ~~shall~~ must also specify the court in which any ancillary proceedings ~~shall~~ will be heard and determined. For purposes of this rule, a judgment is final when it is no longer subject to appeal.

*(Subd (d) amended and lettered effective January 1, 2005; adopted as part of unlettered subdivision effective January 1, 1974.)*

*Rule 1545 amended effective January 1, 2005; adopted effective January 1, 1974.)*

## **Chapter 5. Administration of Coordinated Complex Actions**

## Rule 1550. General administration by Administrative Office of the Courts

- (a) **[Coordination attorney]** Except as otherwise provided in ~~these the rules in~~ this chapter, all necessary administrative functions under this division ~~shall~~ will be performed at the direction of the ~~Chairman~~ of the Judicial Council by a coordination attorney in the Administrative Office of the Courts.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Duties of coordination attorney]** The coordination attorney ~~shall~~ must at all times maintain:

- (1) ~~for the Chairman of the Judicial Council~~ A list of active and retired judges who are qualified and currently available to conduct coordination proceedings; and
- (2) ~~The coordination attorney shall maintain~~ A register of all coordination proceedings and a file for each proceeding, for public inspection during regular business hours at the San Francisco office of the Judicial Council ~~a register of all coordination proceedings and a file for each such proceeding for public inspection during regular business hours.~~

*(Subd (b) amended and lettered effective January 1, 2005; previously adopted as part of subd (a) effective January 1, 2005.)*

- ~~(b)~~(c) **[Coordination proceeding title and case number]** The coordination attorney must assign each coordination proceeding ~~shall be given a special title and coordination proceeding number.~~ assigned by the coordination attorney, and Thereafter all papers in that proceeding shall must bear such that title and coordination proceeding number.

*(Subd (c) amended and relettered effective January 1, 2005; adopted as subd (b) effective January 1, 1974.)*

*Rule 1550 amended effective January 1, 2005; adopted effective January 1, 1974.)*

## Rule 2073. Public access

- (a)–(d) \*\*\*

- (e) **[Remote electronic access allowed in extraordinary criminal cases]** Notwithstanding (b)(2), the presiding judge of the court, or a judge assigned by the presiding judge, may exercise discretion, subject to (e)(1), to permit

electronic access by the public to all or a portion of the public court records in an individual criminal case if the number of requests for access to documents in the case is extraordinarily high and responding to those requests would significantly burden the operations of the court. An individualized determination must be made in each case in which such remote electronic access is provided.

(1) In exercising discretion under (e), the judge should consider the relevant factors, such as the following:

(A) The privacy interests of parties, victims, witnesses, and court personnel and the ability of the court to redact sensitive personal information;

(B) The benefits to and burdens on the parties in allowing remote electronic access, including possible impacts on jury selection; and

(C) The burdens on the court in responding to an extraordinarily high number of requests for access to documents.

(2) The court should, to the extent feasible, redact the following information from records to which it allows remote access under (e): driver license numbers; dates of birth; social security numbers; Criminal Identification and Information and National Crime Information numbers; addresses and phone numbers of parties, victims, witnesses, and court personnel; medical or psychiatric information; financial information; account numbers; and other personal identifying information. The court may order any party who files a document containing such information to provide the court with both an original unredacted version of the document for filing in the court file and a redacted version of the document for remote electronic access. No juror names or other juror identifying information may be provided by remote electronic access. This subdivision does not apply to any document in the original court file; it applies only to documents that are available by remote electronic access.

(3) Five days' notice must be provided to the parties and the public before the court makes a determination to provide remote electronic access under this rule. Notice to the public may be accomplished by posting notice on the court's Web site. Any person may file comments with the court for consideration, but no hearing is required.



- (4) The court's order permitting remote electronic access must specify which court records will be available by remote electronic access and what categories of information are to be redacted. The court is not required to make findings of fact. The court's order must be posted on the court's Web site and a copy sent to the Judicial Council.

*(Subd (e) adopted effective January 1, 2005.)*

**(e)(f)** \*\*\*

*(Subd (f) relettered effective January 1, 2005; adopted as subd (e) effective July 1, 2002.)*

**(f)(g)** \*\*\*

*(Subd (g) relettered effective January 1, 2005; adopted as subd (f) effective July 1, 2002.)*

**(g)(h)** \*\*\*

*(Subd (h) relettered effective January 1, 2005; adopted as subd (g) effective July 1, 2002.)*

**(h)(i)** \*\*\*

*(Subd (i) relettered effective January 1, 2005; adopted as subd (h) effective July 1, 2002.)'*

*Rule 2073 amended effective January 1, 2005; adopted effective July 1, 2002; previously amended effective July 1, 2004.*

#### **Advisory Committee Comment (2005)**

The rule allows a level of access by the public to all electronic records that is at least equivalent to the access that is available for paper records and, for some types of records, is much greater. At the same time, it seeks to protect legitimate privacy concerns.

Subdivision (c) excludes certain records (those other than the register, calendar, and indexes) in specified types of cases (notably criminal, juvenile, and family court matters) from remote electronic access. The committee recognized that while these case records are public records and should remain available at the courthouse, in either paper or electronic form, they often contain sensitive personal information. The court should not publish that information over the Internet. However, the committee also recognized that the use of the Internet may be appropriate in certain criminal cases of extraordinary public interest, where information regarding a case will be widely disseminated through the media. In such cases, posting of selected nonconfidential court records, redacted where necessary to protect the privacy of the participants, may provide more timely and accurate information regarding the court proceedings, and may relieve substantial burdens on court staff in responding to individual requests for documents and information. Thus, under subdivision (e), if the presiding judge makes individualized determinations in a specific case, certain records in criminal cases may be made available to the public over the Internet.

Subdivisions (ef) and (fg) limit electronic access to records (other than the register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those records. These limitations are based on the qualitative difference between obtaining information from a specific case file and obtaining bulk information that may be manipulated to compile personal information culled from any document, paper, or exhibit filed in a lawsuit. This type of aggregate information may be exploited for commercial or other purposes unrelated to the operations of the courts, at the expense of privacy rights of individuals.

Courts must send a copy of the order permitting remote electronic access in extraordinary criminal cases to: Office of the Secretariat, Executive Office Programs Division, Administrative Office of the Courts, 455 Golden Gate Avenue, San Francisco, CA 94102-3688 or secretariat@jud.ca.gov

## **CHAPTER 4. Management of Human Resources**

### **Rule 6.302. Workers' compensation program**

- (a) **[Intent]** The intent of this rule is to (1) establish procedures for the Administrative Office of the Courts (AOC) workers' compensation program for the trial courts and (2) ensure that the trial courts' workers' compensation coverage complies with applicable law and is cost-efficient.
- (b) **[Duties of the AOC]** To carry out the duty of the Judicial Council to establish a workers' compensation program for the trial courts, the Administrative Office of the Courts, through its Human Resources Division, must:
- (1) Maintain a contract with a vendor to provide courts, on a voluntary basis, with a cost-efficient workers' compensation coverage program;
  - (2) Monitor the performance of the vendor with whom it contracts to provide such services;
  - (3) Timely notify the trial courts concerning the terms of the workers' compensation coverage program;
  - (4) Timely inform the trial courts about the legal requirements with which a workers' compensation program must comply;
  - (5) Make personnel available by telephone to consult with trial courts regarding the cost and benefits of the plan being offered by the Administrative Office of the Courts; and

- (6) Review and approve or disapprove any other workers' compensation programs identified by a trial court for consideration as a vendor to provide workers' compensation benefits to its employees.

**(c) [Duties of the trial courts]**

- (1) Each trial court that elects to participate in the program made available through the Administrative Office of the Courts must:
- (A) Timely notify the AOC Human Resources Division of its decision to participate in the workers' compensation program being offered through the Administrative Office of the Courts;
  - (B) Timely complete and return necessary paperwork to the Human Resources Division; and
  - (C) Timely pay all costs associated with the program.
- (2) Each trial court that elects not to participate in the workers' compensation program available through the Administrative Office of the Courts must:
- (A) Independently identify a workers' compensation benefits provider that fulfills all legal responsibilities to offer such benefits in California in a cost-efficient manner;
  - (B) Timely submit to the AOC Human Resources Division for its approval the information necessary to evaluate the workers' compensation program identified by the trial court to provide benefits for its employees; and
  - (C) Maintain a contract with a workers' compensation benefits provider that fulfills all legal responsibilities to offer such benefits in California in a cost-efficient manner.

*Rule 6.302 adopted effective January 1, 2005.*

**Rule 6.602. Selection and term of presiding judge**

**(a) [Selection]**

- (1) *(Courts with three or more judges)* Each court that has three or more judges ~~shall~~ must select a presiding judge. Selection of the presiding

judge may be by secret ballot in accordance with the court's internal policies. The court should establish an internal local rule or policy for the selection of the presiding judge and assistant presiding judge, if any.

- (2) (*Two-judge courts*) In a court having two judges, the selection of the presiding judge ~~shall~~ must conform to Government Code section 69508.5. If selection cannot be agreed upon and neither judge has at least four years of experience, the senior judge ~~shall~~ must hold the office of presiding judge until both judges have at least four years of experience.

*(Subd (a) amended effective January 1, 2005.)*

- (b) **[Requisite experience and waiver]** A presiding judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court. Nomination and selection of a presiding judge should take into consideration the judge's (1) management and administrative ability; (2) interest in serving in the position; (3) experience and familiarity with a variety of trial court assignments; (4) ability to motivate and educate other judicial officers and court personnel; (5) ability to evaluate the strengths of the court's bench officers and make assignments based on those strengths as well as the best interests of the public and the court; and (6) other appropriate factors.

*(Subd (b) amended effective January 1, 2005.)*

- (c) **[Term]** A presiding judge in a court with two judges ~~shall~~ must be elected for a term, ~~as established by local rule or policy~~, of not less than one year. A presiding judge in a court with three or more judges ~~shall~~ must be elected for an initial term, as established by local rule or policy, of not less than two years. The presiding judge may serve ~~consecutive~~ additional terms of such duration as set by internal local rule or policy. A presiding judge may be removed by a majority vote of the judges of the court.

*(Subd (c) amended effective January 1, 2005.)*

(d) **[Assistant and acting presiding judge]**

- (1) The court may elect an assistant presiding judge.
- (2) If the court's internal local rule or policy does not provide for the designation of an acting presiding judge to serve if the presiding judge is absent or unable to act, the presiding judge ~~shall~~ must designate one.

- (3) The court should provide the assistant presiding judge with training to foster an orderly succession to the office of presiding judge.

*(Subd (d) amended effective January 1, 2005.)*

(e) \*\*\*

*Rule 6.602 amended effective January 1, 2005; adopted effective January 1, 2001.*

**Advisory Committee Comment (2005)**

The internal local rule described in this rule relates only to the internal management of the court, and as such is exempt from the requirements in rule 981. (See rule 981(j).)

**Rule 7.903. Trusts funded by court order**

**(a) [Definitions]**

- (1) “Trust funded by court order” under this rule means and refers to a trust that will receive funds under Probate Code section 2580 et seq. (substituted judgment); section 3100 et seq. (proceedings for particular transactions involving disabled spouses or registered domestic partners); or section 3600 et seq. (settlement of claims or actions or disposition of judgments involving minors or persons with disabilities).
- (2) “Continuing jurisdiction of the court” under (b) means and refers to the court’s continuing subject matter jurisdiction over trust proceedings under division 9 of the Probate Code (Prob. Code, § 15000 et seq.).
- (3) “Court supervision under the Probate Code” under (b) means and refers to the court’s authority to require prior court approval or subsequent confirmation of the actions of the trustee as for the actions of a guardian or conservator of the estate under division 4 of the Probate Code (Prob. Code, § 1400 et seq.).

**(b) [Continuing jurisdiction and court supervision]** The order creating or approving the funding of a trust funded by court order must provide that the trust is subject to the continuing jurisdiction of the court and may provide that the trust is to be subject to court supervision under the Probate Code.

**(c) [Required provisions in trust instruments]** Except as provided in (d), unless the court otherwise orders for good cause shown, trust instruments for trusts funded by court order must:

- (1) Not contain “no-contest” provisions;
- (2) Prohibit modification or revocation without court approval;
- (3) Clearly identify the trustee and any other person with authority to direct the trustee to make disbursements;
- (4) Prohibit investments by the trustee other than those permitted under Probate Code section 2574;
- (5) Require persons identified in (3) to post bond in the amount required under Probate Code section 2320 et seq.;
- (6) Require the trustee to file accounts and reports for court approval in the manner and frequency required by Probate Code sections 1060 et seq. and 2320 et seq.;
- (7) Require court approval of changes in trustees and a court order appointing any successor trustee;
- (8) Require compensation of the trustee, the members of any advisory committee, or the attorney for the trustee, to be in just and reasonable amounts that must be fixed and allowed by the court. The instrument may provide for periodic payments of compensation on account, subject to the requirements of Probate Code section 2643 and rule 7.755.

**(d) [Trust instruments for smaller trusts]** Unless the court otherwise orders for good cause shown, the requirements of (c)(5)–(8) of this rule do not apply to trust instruments for trusts that will have total assets of \$20,000 or less after receipt of the property ordered by the court.

*Rule 7.903 adopted effective January 1, 2005.*

**Advisory Committee Comment (2005)**

Subdivision (a) of this rule defines a court-funded trust as a product of three court proceedings. Two of these—a petition for substituted judgment in a probate conservatorship (Prob. Code, § 2580) and a proceeding for a particular transaction in the property of an impaired spouse or domestic partner without a conservator (Prob. Code, § 3100; Fam. Code, § 297.5)—are regularly heard in the probate department of the court. The third proceeding, an application for an order approving the settlement of a minor’s

claim or a pending action involving a minor or person with a disability or approving the disposition of the proceeds of a judgment in favor of a minor or person with a disability (Prob. Code, § 3600), may be heard in either a probate or a civil department.

The Judicial Council has adopted section 40 of the Standards of Judicial Administration to address proceedings under section 3600 that involve court-funded trusts and are heard in civil departments. The standard makes two recommendations concerning the expertise of judicial officers who hear these proceedings on trust issues. The recommendations are to develop practices and procedures that (1) provide for determination of the trust issues in these matters by the probate department of the court or by a judicial officer who regularly hears probate proceedings or (2) ensure that judicial officers who hear these matters have experience or receive training in substantive and technical issues involving trusts, including special needs trusts.

### **~~Rule 1502. Construction of terms~~**

- ~~(a) “Shall” is mandatory, and “may” is permissive.~~
- ~~(b) The past, present and future tenses shall each include the others.~~
- ~~(c) The singular and plural shall each include the other.~~
- ~~(d) Rule headings do not in any manner affect the scope, meaning, or intent of the provisions of these rules.~~
- ~~(e) All section references in these rules are to the Code of Civil Procedure unless otherwise specified.~~

*Rule 1502 repealed effective January 1, 2005; adopted effective January 1, 1974. The repealed rule related to construction of terms.*

### **~~Rule 2073.5. Remote electronic access allowed in individual criminal cases~~**

- ~~(a) Exception for extraordinary cases. Notwithstanding rule 2073(b)(2), the presiding judge of the court, or a judge assigned by the presiding judge, may exercise discretion, subject to (b), to permit remote electronic access to all or a portion of the public court records in an individual criminal case if (1) the number of requests for access to documents in the case is extraordinarily high, and (2) responding to those requests would significantly burden the operations of the court.~~
- ~~(b) Relevant factors. In exercising discretion under (a), the judge should consider relevant factors, such as:~~
  - ~~(1) The impact on the privacy of parties, victims, and witnesses;~~

- ~~(2) The benefits to and burdens on the parties in allowing remote electronic access, including possible impacts on jury selection; and~~
- ~~(3) The benefits to and burdens on the court and court staff.~~
- ~~(e) Redaction of private information. The court should, to the extent feasible, redact the following information from records to which it allows remote access under (a): driver license numbers; dates of birth; social security numbers; Criminal Identification and Information and National Crime Information numbers; addresses, and phone numbers of parties, victims, witnesses, and court personnel; medical and psychiatric information; financial information; account numbers; and other personal identifying information. The court may order any party who files a document containing such information to provide the court with both an original unredacted version of the document for filing in the court file and a redacted version of the document for remote electronic access. No juror names or other juror identifying information may be provided by remote electronic access. This subdivision does not apply to any document in the original court file; it applies only to documents that are available by remote electronic access.~~
- ~~(d) Notice and comments. Five days notice must be provided to the parties and the public before the court makes a determination to provide remote electronic access under this rule. Notice to the public may be accomplished by posting notice on the court Web site. Any person may file comments with the court for consideration, but no hearing is required.~~
- ~~(e) Order. The court's order permitting remote electronic access must specify which court records will be available by remote electronic access and what categories of information are to be redacted. The court is not required to make findings of fact. The court's order must be posted on the court's Web site and a copy sent to the Judicial Council.~~
- ~~(f) Sunset date. This rule is effective until January 1, 2005.~~

*Rule 2073.5 repealed effective January 1, 2005; adopted effective February 27, 2004. The repealed rule related to remote electronic access allowed in individual criminal cases.*



## California Standards of Judicial Administration

### Sec. 20.6. Guidelines for determining payment for costs of appointed counsel for children in family court

- (a) **[General]** Whenever in a proceeding under the Family Law Act counsel is appointed to represent children under ~~Civil Code section 4606~~ Family Code section 3150, the court should determine the ability of the parties to pay all or a portion of the cost of the counsel.

*(Subd (a) amended effective January 1, 2005.)*

**(b)–(d) \*\*\***

- (e) **[Payment of attorney]** If the court finds the parties are unable to pay all or a portion of the cost of appointed counsel, pursuant to ~~Civil Code section 4606(g)~~ Family Code section 3153 it shall order the county to pay the portion the parties are unable to pay. The order may provide for progress or installment payments.

*(Subd (e) amended effective January 1, 2005.)*

*Section 20.6 amended effective January 1, 2005; adopted effective January 1, 1992.*

### **Sec. 40. Settlements or judgments in certain civil cases involving minors or persons with disabilities**

In matters assigned to or pending in civil departments of the court where court approval of trusts that will receive proceeds of settlements or judgments is required under Probate Code section 3600, each court should develop practices and procedures that:

- (1) Provide for determination of the trust issues by the probate department of the court or, in a court that does not have a probate department, a judicial officer who regularly hears proceedings under the Probate Code; or
- (2) Ensure that judicial officers who hear these matters are experienced or have received training in substantive and technical issues involving trusts (including special needs trusts).

*Section 40 adopted effective January 1, 2005.*

## **DIVISION VI. Ethics Standards for Neutral Arbitrators in Contractual Arbitration**

### **Standard 7. Disclosure**

**(a)–(f)      \*\*\***

#### **Comment to Standard 7**

This standard requires arbitrators to disclose to all parties, in writing within 10 days of service of notice of their proposed nomination or appointment, all matters they are aware of at that time that could cause a person aware of the facts to reasonably entertain a doubt that the proposed arbitrator would be able to be impartial and to disclose any additional such matters within 10 days of becoming aware of them.

Timely disclosure to the parties is the primary means of ensuring the impartiality of an arbitrator. It provides the parties with the necessary information to make an informed selection of an arbitrator by disqualifying or ratifying the proposed arbitrator following disclosure. See also standard ~~40~~ 12, concerning disclosure and disqualification requirements relating to concurrent and subsequent employment or professional relationships between an arbitrator and a party or attorney in the arbitration. A party may disqualify an arbitrator for failure to comply with statutory disclosure obligations (see Code Civ. Proc., § 1281.91(a)). Failure to disclose, within the time required for disclosure, a ground for disqualification of which the arbitrator was then aware is a ground for *vacatur* of the arbitrator's award (see Code Civ. Proc., § 1286.2(a)(6)(A)).

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#### **Correction**

### **Rule 1430. General provisions**

**(a)–(b)      \*\*\***

**(c) [Supplemental petition (§ 387)]** A supplemental petition shall be used if petitioner concludes that a previous disposition has not been effective in the protection of a child declared a dependent under section 300 and seeks a more restrictive level of physical custody. For purposes of this chapter, a more restrictive level of custody shall be, in ascending order

- (1) Placement in the home of the person entitled to legal custody;
- (2) Placement in the home of a noncustodial parent;

- (3) Placement in the home of a relative or friend;
- (4) Placement in a foster home;
- (5) Commitment to a private institution;
- ~~(6) Commitment to a county institution;~~
- ~~(7) Commitment to the California Youth Authority;~~

*(Subd (c) amended effective January 1, 2001.)*

**(d)–(f)      \*\*\***

*Rule 1430 amended effective January 1, 2001; adopted effective January 1, 1991.*